



भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

मंत्रिमंडल सचिवालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 31 दिसम्बर, 1976

का०आ० 214—मूल नियमों के नियम 45 के उपबन्धों के अनुसरण में, केन्द्रीय सरकार निम्नलिखित नियम बनाती है जिनमें केन्द्रीय अनुसंधान ब्यूरो में सेवानिवृत्त अधिकारियों की केन्द्रीय अन्वेषण ब्यूरो द्वारा विनिर्मित या विनिर्मित किए जाने वाले भवनों को निवास स्थान के रूप में उपयोग में लाने के लिए आर्बंटन को शामिल करने वाले मिश्रित दिए गए हैं। केन्द्रीय सरकार, भारत सरकार के वित्त विभाग के पत्र संख्या 104-के०से०नि० तारीख 4 फरवरी, 1972 के अन्तर्गत जारी किए गए अनुपूरक नियमों में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त नियमों के भाग 8 में, प्रभाग 26 क०ड० के पश्चात् निम्नलिखित अन्तः स्थापित किया जाएगा, अर्थात् :—

“अनु०नि० 317 क०ड० 1—संक्षिप्त नाम, लागू होना और प्रारम्भ—

(1) इन नियमों का संक्षिप्त नाम कार्मिक और प्रशासनिक सुधार विभाग (केन्द्रीय अन्वेषण ब्यूरो) निवास स्थान आर्बंटन नियम, 1976 है।

(2) ये केन्द्रीय अन्वेषण ब्यूरो के प्रशासनिक नियंत्रण के अधीन कार्यपालक अधिकारियों और अन्य कर्मचारीवृत्त के अधिभोग के लिए

विनिर्मित या विनिर्मित किए जाने वाले सभी निवास स्थान योग्य भवनों के आर्बंटन में लागू होंगे।

(3) ये तुरन्त प्रवृत्त होंगे।

अनु०नि० 317-क०ड० 2 परिभाषाएं—इन नियमों में, जब तक कि संदर्भ में अन्यथा प्रपेक्षित न हो,—

(क) “आर्बंटन” से इन नियमों के उपबन्धों के अनुसार निवास स्थान के अधिभोग के लिए अनुज्ञप्ति देना अभिप्रेत है;

(ख) “आर्बंटन वर्ष” से प्रथम जनवरी को प्रारम्भ होने वाला वर्ष या ऐसी अन्य अवधि अभिप्रेत है जो कार्मिक और प्रशासनिक सुधार विभाग (केन्द्रीय अन्वेषण ब्यूरो) द्वारा अधिसूचित की जाए;

(ग) “आर्बंटन प्राधिकारी” से केन्द्रीय अन्वेषण ब्यूरो का दिल्ली स्थित प्रशासनिक अधिकारी (लेखा) और केन्द्रीय अन्वेषण ब्यूरो को दिल्ली से बाहर अवस्थित शाखाओं के मामले में केन्द्रीय अन्वेषण ब्यूरो का पुलिस अधीक्षक अभिप्रेत है;

(घ) “केन्द्रीय अन्वेषण ब्यूरो” से केन्द्रीय अन्वेषण ब्यूरो को दिल्ली स्थित तथा भारत में अन्य इयूटी स्टेशनों पर स्थित मुख्यालय और शाखाएं अभिप्रेत हैं;

(ङ) “कार्यस्थान से” वह स्थान अभिप्रेत है जहाँ केन्द्रीय अन्वेषण ब्यूरो की शाखा स्थित है और जहाँ केन्द्रीय अन्वेषण ब्यूरो के किसी अधिकारी को अपने प्रसामान्य कार्य करने होते हैं;

(च) “पत्र अधिकारी” से वह अधिकारी अभिप्रेत है जो उस टाइप के निवास स्थान के आबंटन का पत्र है जो अनुपूरक नियम 317 कड 3 के अधीन अनुज्ञेय है और जिस अधिकारी से उस स्थान पर रहने की अपेक्षा की जाती है जहाँ निवास स्थान अवस्थित है;

(छ) (1) “उपलब्धियों” से निवास स्थान के आबंटन के प्रयोजन के लिए मूल नियमों के नियम 9 के उपनियम 21 के खण्ड (क) में परिभाषित वेतन अभिप्रेत है;

(2) “उपलब्धियों” का अनुज्ञापत्र फीस की धूसरी के प्रयोजन के लिए वही धर्म है जो मूल नियमों के नियम 45-क में उल्लिखित है।

स्पष्टीकरण : निलम्बित अधिकारी के मामले में उपलब्धियों से वे उपलब्धियाँ मानी जाएंगी जो उसने उस आबंटन वर्ष के प्रथम दिन प्राप्त की हैं जिसमें वह निलम्बित किया गया है अथवा, यदि वह आबंटन वर्ष के प्रथम दिन ही निलम्बित किया गया है तो जो उस के द्वारा उस तारीख के ठीक पहले प्राप्त की गई है;

(ज) “कार्यपालक अधिकारियों” से केन्द्रीय अन्वेषण ब्यूरो के अधिकारी और उसके पुलिस बल के सदस्य अभिप्रेत हैं;

(झ) “कुटुम्ब” से अभिप्रेत हैं यथास्थिति, पति पत्नी और संतानें, सौतेली संतान, बंधू रूप से उत्पन्न की गई संतान, माता-पिता, भाई अथवा बहिन, जो सामान्यतया अधिकारी के साथ निवास करते हैं और जो उस पर आश्रित हैं;

(ञ) “प्ररूप” से इन नियमों से उपाबंध प्ररूप अभिप्रेत है;

(ट) “सरकार” से केन्द्रीय सरकार अभिप्रेत है;

(ठ) “विभागाध्यक्ष” से, उन अधिकारियों और कर्मचारीवृन्द के सम्बन्ध में जो केन्द्रीय अन्वेषण ब्यूरो से सम्बन्धित हैं, केन्द्रीय अन्वेषण ब्यूरो का निदेशक और पुलिस महानिरीक्षक, विशेष पुलिस स्थापना अभिप्रेत है;

(ड) “अनुज्ञापित फीस” से इन नियमों के अधीन आबंटित निवास-स्थान के सम्बन्ध में मूल नियमों के उपबंधों के अनुसार मासिक रूप से देय धनराशि अभिप्रेत है;

(ढ) “अधिकारी” से कार्यपालक अधिकारी अभिप्रेत है और इस पद में अन्य कर्मचारीवृन्द भी आते हैं;

(ण) “अन्य कर्मचारीवृन्द” से केन्द्रीय अन्वेषण ब्यूरो के अभियोजक तथा अनुसन्धान अधिकारी और कर्मचारीवृन्द अभिप्रेत है;

(त) “कोई अधिकारी अनु० नि० 317 कड 5 के उपबंधों के अधीन जिस प्रकार के निवासस्थान का पात्र है उसके सम्बन्ध में अधिकारी की “पूर्विकता तारीख” से वह पूर्वतम तारीख अभिप्रेत है जब से वह, खुद की अवधि के सिवाय, निरन्तर अपनी उपलब्धियाँ केन्द्रीय सरकार अथवा राज्य सरकार अथवा अन्यत्र सेवा के अधीन पद पर प्राप्त करता रहा है जिनके आधार पर वह किसी विनिष्ट टाइप अथवा किसी उच्चतर टाइप का पात्र हो जाता है।

परन्तु अन्यत्र सेवा के लिए प्रतिनियुक्त उस अधिकारी की दशा में न्तीय अन्वेषण ब्यूरो में पुनः पदस्थापित किया जाता है, अन्यत्र

सेवा की अवधि पूर्विकता तारीख का अवधारण करने के प्रयोजन के लिए गणना में ली जाएगी;

परन्तु यह और कि जहाँ दो या अधिक अधिकारियों की पूर्विकता तारीख एक ही हो वहाँ उनके बीच ज्येष्ठता उपलब्धियों की राशि से अवधारित की जाएगी। अधिक उपलब्धियाँ प्राप्त करने वाले अधिकारी की कम उपलब्धियाँ प्राप्त करने वाले अधिकारी से अग्रणी जाएगी और जहाँ उपलब्धियाँ समान हैं वहाँ ज्येष्ठता सेवा काल की दीर्घता के अनुसार अवधारित की जाएगी;

परन्तु यह और भी कि टाइप I, टाइप II, टाइप III अथवा टाइप IV के निवास-स्थानों के सम्बन्ध में, वह तारीख जब से अधिकारी केन्द्रीय सरकार अथवा राज्य सरकार की सेवा में, अन्यत्र सेवा की अवधि भी है निरन्तर रहा है, उसकी उस टाइप के लिए पूर्विकता तारीख होगी;

(थ) “निवास स्थान” से ऐसा निवास अभिप्रेत है जिसमें ये नियम लागू होते हैं;

(द) “शिकमी देना” में किसी आबंटनी द्वारा अन्य व्यक्ति के साथ, उस व्यक्ति द्वारा अनुज्ञापित फीस सदाय करने पर अथवा उसके बिना, आवास सुविधा का सहयोग करना आता है किन्तु इसमें यदा-कदा संश्लेषण नहीं आता है;

(ध) “अस्थायी स्थानान्तरण” से ऐसा स्थानान्तरण अभिप्रेत है जिसमें अनुपस्थिति की अवधि चार मास से अधिक है;

(न) “स्थानान्तरण” से एक इयूटी स्थान से किसी अन्य इयूटी स्थान को अथवा केन्द्रीय अन्वेषण ब्यूरो से किसी अन्य कार्यालय को स्थानान्तरण अभिप्रेत है और इसमें किसी राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के अधीन सेवा की स्थानान्तरण अथवा प्रतिवर्तन तथा किसी अन्य कार्यालय अथवा संगठन में किसी पद से, प्रतिनियुक्ति भी आती है;

(प) किसी अधिकारी के सम्बन्ध में “टाइप” से निवास स्थान का वह टाइप अभिप्रेत है जिसका वह अनुपूरक नियम 317 कड 3 के अधीन पात्र है।

स्पष्टीकरण : आबंटनी द्वारा किसी निकट सम्बन्धी के साथ आवास सुविधा का सहयोग करना शिकमी देना नहीं समझा जाएगा। अनु० 317 कड 3—(1) इस नियम में,—

(क) “नयी हुई नगरपालिका” से ऐसी नगरपालिका अभिप्रेत है जो किसी स्थानीय नगरपालिका से लगी हुई है;

(ख) किसी अधिकारी या उसके कुटुम्ब के किसी सदस्य के सम्बन्ध में “मकान” से ऐसा भवन या उसका कोई भाग अभिप्रेत है जिसका प्रयोग निवास के प्रयोजन के लिए किया जा रहा हो और जो स्थानीय नगरपालिका या किसी लगी हुई नगरपालिका की अधिकारिता के भीतर स्थित हो।

स्पष्टीकरण : किसी भवन का कोई भाग जिसका प्रयोग निवास के प्रयोजन के लिए किया जा रहा है, इस खण्ड के प्रयोजन के लिए इस बात के होते हुए भी मकान समझा जाएगा कि उसका कोई भाग अनिवार्य प्रयोजनों के लिए प्रयोग में लाया जा रहा है;

(ग) किसी अधिकारी के सम्बन्ध में “स्थानीय नगरपालिका” से वह नगरपालिका अभिप्रेत है जिसकी अधिकारिता के भीतर उस अधिकारी का कार्यालय स्थित है;

(घ) किसी अधिकारी के सम्बन्ध में "कुटुम्ब के सदस्य" से यथास्थिति, पति-पत्नी या अधिकारी को उस पर अभिहित मतान अभिप्रेत है ;

(ङ) "नगरपालिका" के अन्तर्गत नगर निगम, नगरपालिका समिति या बोर्ड, टाउन एरिया समिति, नोटोफाइड एरिया समिति और छावनी बोर्ड आते हैं।

(2) कोई अधिकारी इन नियमों के अधीन सरकारी मकान के आबंटन के लिए पात्र नहीं होगा यदि वह या उसके कुटुम्ब का कोई सदस्य किसी मकान का स्वामी है ,

(3) कोई अधिकारी, जिसके अधिभाग में सरकारी निवास स्थान है, या उसके कुटुम्ब का कोई अन्य सदस्य किसी मकान का स्वामी है तो वह अपने कब्जे में के सरकारी मकान को अभ्यापित कर देगा।

(4) जहाँ कोई अधिकारी जिसको उप नियम (1) लागू होता है, उस उपनियम के अधीन अभिहित के अनुसार सरकारी निवास स्थान अभ्यापित नहीं करता है तो उसे निवास स्थान के प्रयोग और अधिभोग, सेवाधा, फर्निचर और उद्यान प्रभावों के लिए ऐसी बाजार दर पर अनुज्ञति शुल्क के बराबर नुकसानी देनी होगी जो सरकार द्वारा समय-समय पर अधिधारित की जाए।

(5) उप नियम (3) या उप नियम (4) में किसी बात के होने हुए भी, जहाँ वह मकान, जिसका स्वामी ऐसा अधिकारी है जिसको उप नियम (3) लागू होता है या उसके कुटुम्ब का कोई अन्य सदस्य है, उस निवास में सुलनीय नहीं है जिसका वह अधिकारी इन नियमों के अधीन अन्यथा हकदार है, वहाँ ऐसे अधिकारी को उसके अधिभोगाधीन सरकारी निवास स्थान को अनु० 45-क के अधीन अनुज्ञति-शुल्क देने पर रखे रहने को अनुमति उस दशा में दी जा सकती है जब ऐसा अधिकारी अपने या अपने कुटुम्ब के किसी सदस्य के स्वामित्वाधीन मकान को केन्द्रीय अन्वेषण ब्यूरो के आबंटन अधिकारी को उमने किराए पर, उसकी अवधि के लिए और पट्टे से सम्बन्धित उस अन्य बातों पर पट्टे पर देने को तैयार हो जिनका अधिधारण केन्द्रीय अन्वेषण ब्यूरो द्वारा किया जाए और वह प्रस्थापना को स्वीकृति की ससूचना के एक सप्ताह के भीतर उसका खाली कब्जा केन्द्रीय अन्वेषण ब्यूरो के आबंटन अधिकारी को देने का वचन दे :

परन्तु यदि वह ऐसा करना आवश्यक समझता है तो मकान के लिए वेय किराए, वह परिश्रम, जिसमें वह मकान स्थित है, सरकारी मकानों के लिए अन्य मकानों की उपलब्धता और अन्य सुसंगत परिस्थितियों और बातों को ध्यान में रखते हुए उपर्युक्त प्रस्थापना का अस्वीकार कर सकता है।

परन्तु यह और कि जहाँ प्रस्थापना का अस्वीकार कर दिया जाता है वह सम्बन्धित अधिकारी प्रस्थापना के अस्वीकार किए जाने की ससूचना की तारीख से, उपनियम (4) में उपबन्धित नुकसानी देने के, यथास्थिति, दावित्वाधीन होगा या रखा जाएगा।

(6) जहाँ किसी अधिकारी को सरकारी निवास स्थान का आबंटन हो चुकने के बाद वह स्वयं या उसके कुटुम्ब का अन्य सदस्य मकान देना है अथवा अन्य किसी प्रकार मतान का स्वामी बन जाता है, वहाँ ऐसा अधिकारी,

(क) वह या उसके कुटुम्ब का कोई सदस्य जिस तारीख को मतान का स्वामी बनता है उससे चार सप्ताह का अवधि के भीतर आबंटन अधिकारी को इस तथ्य की अधिसूचित करेगा ,

(ख) सरकारी मकान को रखे रहने का हकदार नहीं रहेगा और उक्त तारीख से छह सप्ताह के भीतर अपने अधिभोगाधीन सरकारी निवास को अभ्यापित करेगा।

स्पष्टीकरण : खण्ड (क) और (ख) के प्रयोजनों के लिए, नबनिमित्त मकान के मामले में किसी व्यक्ति को उस तारीख से, जिससे सम्बद्ध स्थायी निकाय मकान के पूरा होने का प्रमाणपत्र देता है या उसके वास्तविक अधिभोग की तारीख से, जो भी पूर्वतर हो, मकान का स्वामी बना समझा जाएगा।

(7) उपनियम (6) में निर्दिष्ट अधिकारी को उपनियम (4) और (5) के उपबन्ध ऐसे लागू होंगे जैसे वे उपनियम (3) में निर्दिष्ट अधिकारी के सम्बन्ध में लागू होते हैं।

(8) इस नियम में किसी बात के होने हुए भी, सरकार, कठिनाई वाले विनिश्चित मामले में या लोकहित में किसी अधिकारी को मूल नियम 45-क के अधीन अनुज्ञति शुल्क का संशय किए जाने पर वा बिना किराया लिए निवास स्थान, यथास्थिति, आबंटित कर सकती है या यदि उसके अधिभाग में पहले से कोई निवास स्थान है तो उसे रखे रहने की अनुज्ञा दे सकती है।

अनु० नि० 317 क० 45-4- निवास स्थानों का वर्गीकरण :- इन नियमों द्वारा अन्यथा उपबन्धित के सिवाय, अधिकारी नीचे दी गई सारणी में वर्णित टाइप के निवास स्थान के आबंटन का पात्र होगा :-

सारणी

| निवास-स्थान का टाइप | अधिकारी को जिस आबंटन वर्ष में आबंटन किया जाए उसके प्रथम दिन उसको मासिक उपलब्धता |
|---------------------|---------------------------------------------------------------------------------|
| I. | 259 रुपए प्रति मास तक |
| II | 499 रुपए से न्यून किन्तु 260 रुपए से अत्युन प्रति मास तक |
| III | 999 रुपए से न्यून किन्तु 500 रुपए से अत्युन प्रति मास तक |
| IV. | 1499 रुपए से न्यून किन्तु 1000 रुपए से अत्युन प्रति मास तक |
| V. | 1500 रुपए और उससे अधिक प्रति मास तक |

अनु० नि० 317 क० 45-5-पति-पत्नी को आबंटन, एक दूसरे से विवाहित अधिकारियों के मामलों में प्राप्ति :- (1) किसी अधिकारी को, यथास्थिति, जिसकी पत्नी या जिसके पति को पहले ही निवास-स्थान आबंटित किया जा चुका है, इन नियमों के अधीन कोई निवास-स्थान तक तक आबंटित नहीं किया जाएगा जब तक ऐसा निवास-स्थान अभ्यापित नहीं कर दिया जाता।

परन्तु यह उपनियम बहा लागू नहीं होगा जहाँ पति-पत्नी किसी न्यायालय द्वारा किए गए न्यायिक पृथक्करण के आदेश के अनुसरण में पृथक्-पृथक् निवास कर रहे हैं।

(2) जहाँ दो अधिकारी, जो इन नियमों के अधीन पृथक् रूप से आबंटित निवास स्थानों के अधिभोगी हैं, एक दूसरे से विवाह कर लें वहाँ से विवाह के एक मास के भीतर उन निवास-स्थानों में से एक को अभ्यापित कर देंगे।

(3) यदि निवास स्थान का प्रत्यक्ष उपनियम (2) को अपेक्षा-अनुसार नहीं किया जाता तो निम्नतर टाइप के निवास स्थान का आबंटन ऐसी अवधि के अवसान पर रद्द समझा जाएगा और यदि निवास स्थान एक ही टाइप के हैं तो आबंटन प्राधिकारी के विनिश्चयानुसार उनमें से एक का आबंटन ऐसी अवधि के अवसान पर रद्द समझा जाएगा।

(4) जहाँ पति और पत्नी दोनों केन्द्रीय प्रन्वेक्षण ब्यूरो के अधीन नियोजित हैं वहाँ इन नियमों के अधीन उनमें से प्रत्येक को निवास स्थान के आबंटन के अधिकार पर पृथक-पृथक रूप से विचार किया जाएगा।

317 क० ३ G- कार्यपालक अधिकारियों और अन्य कर्मचारिवृन्द के लिए आबंटन के लिए आवेदन तथा पृथक उप-पूल बनाए रखना:—

(1) केन्द्रीय अनुसंधान ब्यूरो वाम सुविधा का उपयोग करने वाला प्रत्येक अधिकारी प्ररूप 1 में एक वार्षिक आवेदन ऐसी तारीख तक प्रस्तुत करेगा जो सम्बन्धित आबंटन प्राधिकारी द्वारा इस निमित्त विनिर्दिष्ट की जाए।

(2) उन अधिकारियों की वशा में जो केन्द्रीय प्रन्वेक्षण ब्यूरो वाम सुविधा का उपयोग नहीं कर रहे हैं, आबंटन प्राधिकारी प्ररूप 2 में आवेदन ऐसी तारीख तक प्रामाणित करेगा जो उसके द्वारा विनिर्दिष्ट की जाए।

(3) प्रथम नियुक्ति पर या स्थानान्तर पर किसी कर्तव्य स्थान पर पद ग्रहण करने वाला अधिकारी अपना आवेदन आबंटन प्राधिकारी को उस स्थान पर पद ग्रहण करने के एक मास के भीतर प्रस्तुत कर सकता है।

(4) किसी कलेन्डर मास की 20 तारीख को या उससे पूर्व उपनियम (3) के अधीन प्राप्त किए गए आवेदन पर जो उत्तरवर्ती मास में आबंटन के लिए विचार किया जाएगा।

(5) निवास स्थानों के आबंटन के प्रयोजन के लिए दो पृथक उप-पूल रखे जायेंगे जिनमें से एक कार्यपालक अधिकारियों के लिए और दूसरा अन्य कर्मचारिवृन्द के लिए होगा इन उप-पूलों के लिए आबंटन के प्रयोजन के लिए पृथक प्रतीक्षा सूची रखी जाएगी। कार्यपालक अधिकारियों को केवल कार्यपालक अधिकारियों के लिए उप-पूल में से ही निवास स्थानों का आबंटन किया जाएगा। कार्यपालक अधिकारियों से भिन्न अधिकारियों को अन्य कर्मचारिवृन्द के लिए उप-पूल में से निवास स्थान का आबंटन किया जाएगा।

अनु० नि० 317 क० ३ 7—निवास स्थानों का आबंटन और प्रस्थापना:—

(1) इन नियमों में अन्यथा उपबन्धित के सिवाय किसी निवास-स्थान के खाली होने पर वह आबंटन प्राधिकारी द्वारा अधिमानतः उस आवेदक को आबंटित किया जाएगा जो अनु० नि० 317-क० ३ 15 के उपबन्धों के अधीन उस टाइप का निवास-सुविधा का इच्छुक हो और यदि इस प्रयोजन के लिए अपेक्षित न हो तो उस आवेदक को जिसके पास उस टाइप की वाम सुविधा नहीं है और जिसको उस टाइप के निवास स्थान के लिए पूर्विकता तारीख सबसे पहले है। तथा आबंटन निम्नलिखित शर्तों पर होगा —

(1) (क) आबंटन प्राधिकारी प्रत्येक स्थान पर ऐसे निवास स्थानों की संख्या नियम करेगा जो केन्द्रीय प्रन्वेक्षण ब्यूरो के उप पुलिस महा-निरीक्षक, और या पुलिस अधीक्षकों को आबंटन के लिए निश्चित की जाएगी तथा इन नियमों में किसी बात के होते हुए भी इन दो श्रेणियों के अधिकारियों को केवल वही निवास स्थान आबंटित किए जाएंगे जो इस प्रकार से निश्चित किए गए हों,

(ख) किसी स्थान पर सभी प्रकार के शेष निवास स्थान उपर उल्लिखित दो उप पूलों में कार्यपालक अधिकारियों और अन्य कर्मचारियों के लिए विभाजित किए जाएंगे। जहाँ तक सम्भव

हो, प्रत्येक उप पूल में निवास स्थानों की संख्या उस स्थान पर पदस्थ कार्यपालक अधिकारियों और अन्य कर्मचारिवृन्द की क्रमशः मज़ूर पद संख्याओं के आधार पर अवधारित की जाएगी।

(2) आबंटन प्राधिकारी उस निवास स्थान में उच्चतर टाइप के निवास स्थान का आबंटन नहीं करेगा जिसका कि आवेदक अनुपूर्वक नियम 317 क० ३ 4 के अधीन पात्र है।

(3) आबंटन प्राधिकारी किसी आवेदक की इस बात के लिए विवश नहीं करेगा कि वह जिस टाइप के निवास-स्थान का अनु० नि० 317 क० ३ 4 के अधीन पात्र है उसमें निम्नतर टाइप का निवास-स्थान स्वीकार करे।

(4) आबंटन प्राधिकारी, किसी निम्नतर कोर्ट के निवास-स्थान के आबंटन के लिए, किसी आवेदक को प्रार्थना पर, उसे ऐसे टाइप से ठीक निम्नतर निवास-स्थान आबंटित कर सकता है जिसके लिए आवेदक अनु० नि० 317-क० ३ 4 के अधीन, उसके लिए उसकी पूर्विकता तारीख के आधार पर, पात्र है।

(2) यदि किसी अधिकारी के अधिभोगाधीन निवास-स्थान को खाली करना अपेक्षित हो तो आबंटन प्राधिकारी उस अधिकारी का वर्तमान आबंटन रद्द कर सकेगा और उसे उसी टाइप का अनुकूल्य निवास-स्थान आबंटित कर सकता है अथवा आवश्यकता की स्थिति में, उस अधिकारी के अधिभाग के निवास-स्थान के टाइप से ठीक निम्नतर टाइप का अनुकूल्य निवास-स्थान आबंटित कर सकता है।

(3) खाली निवास-स्थान का उपर्युक्त उपनियम (1) के अधीन उसे किसी अधिकारी का आबंटित किए जाने के अनिवार्य, अन्य पात्र अधिकारियों, को, उनकी पूर्विकता तारीखों के क्रम से, आबंटन के लिए प्रस्थापित किया जा सकता है।

अनु० नि० 317 क० ३ 8-पारी बाह्य आबंटन — अनुपूर्वक नियम 317 क० ३ 7 के उपबन्धों में किसी बात के होते हुए भी, आबंटन प्राधिकारी किसी अधिकारी को उसका अपनी या उसके परिवार के किसी सदस्य को गंभीर बीमारी के कारण, यदि आवश्यक समझा जाए तो विहित चिकित्सा प्राधिकारी के परामर्श से अथवा अन्य विशेष मामलों में विभागाध्यक्ष के अनुमोदन से निवास स्थान का पारी बाह्य आबंटन कर सकता है। ऐसे मामलों में आबंटन में अधिमानता उस तारीख के अनुसार होगी जिन तारीख को अधिकारी का पारी बाह्य आबंटन के लिए आवेदन सम्बन्धित कार्यालय में प्राप्त किया जाता है।

अनु० नि० 317 क० ३ 9—आबंटन का प्रस्थापना का स्वीकार न किया जाना अथवा आबंटित निवास-स्थान को स्वीकार करने के पश्चात् अधिभाग में न लेना:—(1) यदि कोई अधिकारी किसी निवास-स्थान का आबंटन आबंटन-पत्र की प्राप्ति की तारीख से पाँच दिनों के भीतर स्वीकार नहीं करता है अथवा स्वीकार करने के बाद भी पाँच दिनों के भीतर, उस निवास-स्थान का कब्जा नहीं लेता है तो वह उस आबंटन पत्र की तारीख से एक वर्ष की अवधि पर्यन्त दूसरे आबंटन का पात्र न होगा।

(2) यदि किसी अधिकारी का, जिसके अधिभाग में किसी निम्नतर टाइप का निवास-स्थान है, ऐसे टाइप का निवास-स्थान आबंटित या प्रस्थापित किया जाता है जिसके लिए वह अनु० नि० 317-क० ३ 4 के अधीन पात्र है या जिसके लिए उसने अनु० नि० 317-क० ३ 7 (IV) के अधीन आवेदन किया है तो उसे, उस आबंटन या आबंटन को प्रस्थापना को स्वीकार कर देने पर, पूर्वतन आबंटित निवास-स्थान में रहने के लिए निम्नलिखित शर्तों पर अनुज्ञात किया जा सकता है, अर्थात् —

(i) ऐसा अधिकारी आबंटन-पत्र की प्राप्ति की तारीख से छह मास तक उच्चतर टाइप के निवास-स्थान के आबंटन के लिए पात्र नहीं होगा ;

(ii) वर्तमान निवास-स्थान का रखे रहने के दौरान उस पर वही अनुज्ञप्ति फीस प्रभाविता की जाएगी जो उसे म०नि० 45-क के अधीन इस प्रकार प्राबंठित या प्रस्थापित निवास-स्थान के लिए संयत करनी पड़ती अथवा वह अनुज्ञप्ति फीस जो उस निवास-स्थान के लिए देय है जो पहले ही उसके अधिभोग में है, दोनों में से जो भी अधिक हो।

अनु०नि० 317 क०ड० 10—विशेष मामलों में गृह भाटक भत्ता का लिया जाता :—(1) जब सरकारी कर्मचारी प्राबंटन अधिकारी को प्राबंटन की प्रस्थापना के पूर्व, यह समुचित करता है कि वह केन्द्रीय अन्वेषण ब्यूरो वाम सुविधा का प्राबंटन नहीं चाहता है तो, यदि अन्य समस्त पात्र अधिकारी हों, विभागाध्यक्ष के विनिर्दिष्ट आदेश से गृह भाटक भत्ता अनुज्ञात किया जा सकता है। यदि औपचारिक प्रस्थापना के पश्चात् प्राबंटन से इन्कार किया जाता है तो, वह भाटक भत्ता प्राबंटन की तारीख से छह मास के पश्चात् पुनः अनुज्ञात किया जा सकता है यदि वह अन्यथा अनुज्ञेय हो। परन्तु यह तब जब अन्य समान रूप से अर्हित अधिकारी वाम-सुविधा को स्वीकार कर लेते हैं और कोई अन्य वाम सुविधा आगे प्राबंटन के लिए उपलब्ध नहीं रहती।

(2) उपनियम (1) में किसी बात के होते हुए भी, दिल्ली, कलकत्ता, बम्बई और मद्रास में गृह भाटक भत्ता विभागाध्यक्ष के विनिर्दिष्ट आदेश से प्राबंटन से इन्कार करने की दशा में भी अनुज्ञात किया जा सकता है। परन्तु यह तब जब कोई वाम सुविधा खाली न रहे। संदेह की दशा में मामले की सरकार को विनिर्दिष्ट किया जा सकता है जो उसका विनिश्चय करेगी।

अनु० नि० 317 क०ड० 11—प्राबंटन प्रभावी रहने की अवधि और तत्पश्चात् कब्जा बनाए रखने की रियायती अवधि—(1) प्राबंटन उस तारीख से प्रभावी होगा जिसको वह अधिकारी द्वारा स्वीकार किया जाता है और तब तक प्रभावी रहेगा जब तक कि—

(क) अधिकारी के केन्द्रीय अन्वेषण ब्यूरो में अपने कर्तव्य स्थान पर न रहने के पश्चात् वह रियायती अवधि समाप्त नहीं हो जाती जो उपखण्ड (2) के अधीन अनुज्ञेय है;

(ख) प्राबंटन प्राधिकारी द्वारा रद्द नहीं किया जाता या इन नियमों के किसी उपबन्ध के अधीन रह किया गया नहीं समझा जाता;

(ग) प्राबंटन प्राधिकारी द्वारा अव्यवित नहीं कर दिया जाता;

(घ) अधिकारी निवास स्थान का अधिभोग समाप्त नहीं कर देता।

(2) अधिकारी उसे प्राबंटित निवास-स्थान का, उपनियम (3) के अधीन रहने हुए निम्न सारणी के स्तम्भ (1) में विनिर्दिष्ट घटनाओं में से किसी के होने पर उस अवधि पर्यन्त अपने पास रख सकता है जो उस सारणी के स्तम्भ (2) में तत्सम्बन्धी प्रविष्टि में विनिर्दिष्ट है, परन्तु यह तब जब वह निवास-स्थान उस अधिकारी या उसके कुटुम्ब के सदस्यों के वास्तविक उपयोग के लिए उपेक्षित हो :—

सारणी

| घटनाएँ | निवास-स्थान अपने पास रखने की अनुज्ञेय अवधि |
|-----------------------------------------------------------------------------------------------------------|--------------------------------------------|
| (i) पदस्थान, पदवृत्ति या सेवा में हटाया जाता, सेवा का पर्यवसान अथवा बिना अनुज्ञा के अप्राधिकृत अनुपस्थिति | एक मास |

(ii) सेवा-निवृत्ति या सेवानिवृत्ति दो मास

(iii) प्राबंटित की मृत्यु चार मास

(iv) कर्तव्य स्थान से बाहर किसी स्थान के लिए स्थानान्तरण दो मास

(v) केन्द्रीय अन्वेषण ब्यूरो में के किसी अपात्र कार्यालय को स्थानान्तरण दो मास

(vi) भारत में अन्यत्र सेवा पर जाना दो मास

(vii) भारत से अस्थायी स्थानान्तरण अथवा भारत से बाहर किसी स्थान के लिए स्थानान्तरण चार मास

(viii) छुट्टी (जो निवृत्ति-पूर्व छुट्टी) छुट्टी की अवधि पर्यन्त किन्तु अन्वेषण छुट्टी, सेवानिवृत्ति छुट्टी, चार मास से अधिक नहीं। चिकित्सीय छुट्टी या अध्ययन छुट्टी से भिन्न हो

(ix) निवृत्ति-पूर्व छुट्टी या म०नि० 86 के अधीन दी गई अन्वेषण छुट्टी अथवा ऐसे सरकारी कृत छुट्टी अथवा ऐसे सरकारी सेवकों को दी गई अर्जित छुट्टी जो म०नि० 56(अ) के अधीन सेवानिवृत्ति की दशा में सेवा निवृत्त होते हैं। पूर्ण अवधि पर्यन्त, किन्तु चार मास की अधिकतम सीमा के अधीन रहने हुए इसमें सेवानिवृत्ति की दशा में अनुज्ञेय अवधि भी सम्मिलित है।

(x) भारत से बाहर अध्ययन छुट्टी या छुट्टी की अवधि पर्यन्त, किन्तु प्रतिनियुक्ति। छह मास से अधिक नहीं।

(xi) भारत में अध्ययन छुट्टी छुट्टी की अवधि पर्यन्त, किन्तु छह मास से अधिक नहीं।

(xii) चिकित्सीय आधार पर छुट्टी छुट्टी को पूर्ण अवधि पर्यन्त।

(xiii) प्रशिक्षणार्थ जाने पर प्रशिक्षण की पूर्ण अवधि पर्यन्त।

स्पष्टीकरण 1 : जब भारत में स्थानान्तरण होते या अस्थायी-सेवा में जाने पर किसी अधिकारी को कोई छुट्टी मजूर की जाती है और वह नए कार्यालय में पद-भार ग्रहण करने से पूर्व उस छुट्टी का उपभोग करता है तो उसे म० (iv) (v), (vi) और (vii) के मामले बगैर अवधि के लिए या छुट्टी की अवधि के लिए, दोनों में से जो भी अधिक हो, निवास-स्थान रखे रहने की अनुज्ञा दी जा सकती है।

स्पष्टीकरण 2 : जब भारत में स्थानान्तरण या अन्यत्र सेवा सम्पन्न हो कोई आदेश किसी अधिकारी को तब जारी किया जाता है जब वह पहले से ही छुट्टी पर है तो स्पष्टीकरण 1 के अधीन अनुज्ञेय अवधि ऐसा आदेश जारी करने की तारीख से गिनी जाएगी।

(3) जब कोई निवास-स्थान उपनियम (2) के अधीन रखा जाए तो अनुज्ञेय रियायती अवधियों की समाप्ति पर वह प्राबंटन विधाय उस दशा के जब उन अवधियों की समाप्ति के पश्चात् वह अधिकारी केन्द्रीय अन्वेषण ब्यूरो में अपने कर्तव्य-स्थान पर कर्तव्य भार ग्रहण कर लेता है, रद्द किया गया समझा जाएगा।

(4) जब कोई अधिकारी बिना वेतन और भत्तों के चिकित्सीय छुट्टी पर ही वह उपनियम (2) के नीचे दी गई सारणी की म० xii के अधीन दी गई रियायत के आधार पर अपने निवास स्थान को अपने पास रख सकता है परन्तु यह तब जब वह ऐसे निवास स्थान के लिए अनुज्ञप्ति फीस प्रति मास तब तक भेजता रहता है और ऐसी फीस दो मास से अधिक तक न भेजने की दशा में प्राबंटन रद्द हो जाएगा।

(5) जिस अधिकारी ने उपनियम (2) के नीचे दी गई सारणी की मद (1) या मद (2) के अधीन नियमित के आधार पर निवास-स्थान अपने पास रखा है वह केन्द्रीय अन्वेषण ब्यूरो में कर्तव्य स्थान पर उक्त सारणी में विनिर्दिष्ट अवधि के भीतर, पुनर्नियोजित होने पर इस बात का हकदार होगा कि उस निवास स्थान को अपने पास रखे रहे तथा वह इन नियमों के अधीन निवास स्थान के किसी और आबंटन का भी पात्र होगा।

परन्तु यदि पुनर्नियोजन होने पर अधिकारी को उपलब्धियाँ इतनी हों जिनके आधार पर वह उस टाइटल के निवास-स्थान का हकदार न हो, जो उसके अधिभोग में है, तो उसे निम्नतर टाइटल का निवास स्थान आवंटित किया जाएगा।

(6) उपनियम (2) या उपनियम (3) या उपनियम (4) में किसी बात के होते हुए भी, जब कोई अधिकारी पदच्युत किया जाता है या सेवा से हटाया जाता है या जब उसको सेवा पर्यवसान की जाती है तथा उस कार्यालय के जिसमें ऐसा अधिकारी ऐसी पदच्युति, हटाए, जान या पर्यवसान के ठीक पूर्व नियोजित था, विभागाध्यक्ष का समाधान हो जाता है कि ऐसा करना लोक हित में आवश्यक और समीचीन है तो वह आबंटन प्राधिकारी से यह अपेक्षा कर सकता है कि वह ऐसे अधिकारी को किए गए निवास स्थान का आबंटन या तो तुरन्त रद्द कर दे या उस तारीख से रद्द कर दे जो उपनियम (2) के नीचे की गई सारणी की मद (1) में विनिर्दिष्ट एक मास की अवधि की समाप्ति से पूर्वतर है और जो वह विनिर्दिष्ट करता है तथा आबंटन प्राधिकारी तदनुसार कार्रवाई करेगा।

अनु० नि० 317-क० ड० 12—अनुज्ञप्ति फीम विषयक उपबन्ध —

(1) जब आवास-सुविधा या अनुकूली आवास-सुविधा का आबंटन स्वीकार कर लिया जाए तो अनुज्ञप्ति फीम का दायित्व अधिभोग की तारीख से अथवा आबंटन की प्राप्ति की तारीख के आठवें दिन से, जो भी पूर्वतर हो, प्रारम्भ होगा। जो अधिकारी आबंटन स्वीकार करने के पश्चात् उस आवास-सुविधा का कच्चा आबंटन-पत्र की प्राप्ति की तारीख से आठ दिन के भीतर नहीं लेता उसमें उस तारीख से बारह दिन की अवधि तक अनुज्ञप्ति फीम ली जाएगी, परन्तु इसमें की कोई भी बात उस दशा में लागू नहीं होगी जब केन्द्रिय लोक निर्माण विभाग यह प्रमाणित करे कि आवास-सुविधा अधिभोग के योग्य नहीं है और उसके परिणामस्वरूप अधिकारी पूर्वोक्त अवधि के भीतर आवास-सुविधा को अधिभोग में नहीं ले रहा है।

(2) जहाँ एक निवास-स्थान के अधिभोगी किसी अधिकारी को दूसरा निवास स्थान आवंटित किया जाता है और वह नए निवास स्थान पर अधिभोग प्राप्त कर लेता है तो पहले निवास-स्थान का आबंटन नए निवास स्थान का अधिभोग प्राप्त करने की तारीख से रद्द समझा जाएगा। तथापि, निवास-स्थान के परिवर्तन के लिए वह पहले निवास-स्थान को उस दिन तथा उसके बाद के एक दिन तक, बिना अनुज्ञप्ति फीम अपने पास रख सकता है।

अनु० नि० 317-क० ड०-13 निवास-स्थान के खाली किए जान तक अधिकारी का अनुज्ञप्ति फीम देने का वैयक्तिक दायित्व तथा अस्थायी अधिकारियों द्वारा प्रतिभू किया जाता है—(1) जिस अधिकारी को निवास स्थान का आवंटन किया जाए उस पर उसको अनुज्ञप्ति फीम का तथा उस भुक्तान का दायित्व होगा जो उचित टूट-फूट के अतिरिक्त हो और जो उस निवास स्थान को अथवा सरकार द्वारा उसमें दिए गए फर्नीचर, फिक्स्चर, फिटिंग या सेवा व्यवस्था को उस अवधि के दौरान पहुँचनी है जब निवास स्थान उसे आवंटित कर दिया जाता है और उसे आवंटित रहता है या, जहाँ आबंटन इन नियमों के किसी उपबन्ध के अधीन रद्द कर दिया गया हो यहाँ जब तक वह निवास स्थान तथा उसमें सन्तान उपलब्ध खाली करके उनका पूर्णतः खाली रूप में कच्चा सरकार का वापस कर दिया जाता है।

(2) जहाँ वह अधिकारी जिसे निवास स्थान आवंटित किया गया है न तो स्थायी सरकारी सेवा है और न स्थायीरूप से वहाँ वह एक प्रतिभू महान, प्ररूप 3 में, प्रतिभूति पत्र निष्पादित करेगा। यह प्रतिभू केन्द्रीय अन्वेषण ब्यूरो के अधीन सेवा करने वाला स्थायी सरकारी सेवक होना चाहिए। यह प्रतिभूति-पत्र अनुज्ञप्ति फीम तथा अन्य ऐसे प्रभारों के मदाय के लिए होगा जो उस निवास स्थान और अन्य सेवाओं की भावत तथा उसके बदले में दिए गए किसी अन्य निवास स्थान की भावत उसके द्वारा देय हो।

(3) यदि प्रतिभू केन्द्रीय अन्वेषण ब्यूरो की सेवा में नहीं रह जाता या विचालिया हो जाता है या अपनी गारंटी वापिस ले लेता है या किसी अन्य कारण से उपलब्ध नहीं रह जाता है तो अधिकारी किसी अन्य प्रतिभू द्वारा निष्पादित एक नया बन्धपत्र उस घटना या तथ्य की जानकारी प्राप्त होने की तारीख से तीन दिन के भीतर देगा, और यदि वह ऐसा न करे तो, जब तक कि आबंटन प्राधिकारी अन्यथा विनिश्चय न करे, उस निवास स्थान का उसे आवंटन उस घटना की तारीख से रद्द किया गया समझा जाएगा।

अनु० नि० 317-क० ड० 14—आबंटन का अन्वेषण और सूचना की अवधि —(1) अधिकारी ऐसी सूचना देकर, जो निवास स्थान को खाली करने की तारीख से कम से कम दस दिन पूर्व आबंटन प्राधिकारी के पास पहुँच जाए, किसी भी समय आबंटन को अन्वेषित कर सकता है।

निवास स्थान का आबंटन उस दिन के पश्चात्, जिसका पत्र आबंटन प्राधिकारी को प्राप्त होता है, ग्यारह दिन में या पत्र में विनिर्दिष्ट तारीख से, जो भी पश्चात्पूर्वी हो, रद्द किया गया समझा जाएगा। यदि अधिकारी सम्यक् सूचना न दे तो वह दस दिन को, अथवा दस दिन की सूचना देने में जितने दिन की कमी हो उनसे दिन की अनुज्ञप्ति फीम देने के लिए उत्तरदायी होगा, परन्तु आबंटन प्राधिकारी कम अवधि की सूचना स्वीकार कर सकता है यदि उसका यह समाधान हो जाता है कि विहित सूचना ऐसी परिस्थितियों के कारण नहीं दी जा सकी थी जिस पर आबंटन का वण नहीं था।

(2) उपनियम (1) के अधीन निवास-स्थान अन्वेषित करने वाले अधिकारी के सम्बन्ध में, ऐसे अन्वेषण की तारीख से एक वर्ष की कालावधि तक उसी स्टेशन पर सरकारी आवास सुविधा का आबंटन करने के लिए, पुन विचार नहीं किया जाएगा।

अनु० नि० 317-क० ड० 15—निवास स्थान का परिवर्तन —(1) वह अधिकारी जिसे इन नियमों के अधीन निवास स्थान आवंटित किया गया है प्ररूप 4 में आवंटन कर सकता है कि उसका उसके बदले में उसी टाइटल का अथवा उस टाइटल का जिसका पात्र वह अनु० नि० 317-क० ड० 1 के अधीन है, जो भी निम्नतर हो, निवास स्थान दिया जाए। किसी अधिकारी को आवंटित एक टाइटल के निवास स्थान की भावत एक बार से अधिक परिवर्तन की अनुज्ञा नहीं दी जाएगी।

(2) परिवर्तन के लिए वे सब प्राप्ति जो आबंटन प्राधिकारी द्वारा विहित प्ररूप में किए गए हैं और किसी क्लेण्डर मास के बीसवें दिन तक प्राप्त हो, ठीक अगले मास की प्रतीक्षा सूची में सम्मिलित किए जाएंगे। इस नियम के प्रयोजनों के लिए वे अधिकारी जिनके नाम पूर्ववर्ती मास की प्रतीक्षा सूची में सम्मिलित किए गए हैं, समुच्चयित रूप से उन अधिकारियों से जुड़े होंगे जिनके नाम पश्चात्पूर्वी मास की सूची में सम्मिलित किए गए हैं, किसी विशिष्ट मास की सूची में सम्मिलित किए गए अधिकारियों की परस्पर जुड़े होंगी उनकी प्रतीक्षा तारीखों के क्रम से अवधारित की जाएगी।

(3) परिवर्तन का अवसर उपनियम (2) के अनुसार प्रवर्धित स्पेष्टता के क्रम से तथा अधिकारियों की अपनी पदस्थ का यथासम्भव ध्यान रखते हुए दिया जाएगा।

(4) यदि कोई अधिकारी निवास स्थान के परिवर्तन की प्रस्थापन या आर्बंटन जारी किए जाने के पक्ष वित्त के भीतर उसे स्वीकार नहीं करता तो उसके नाम पर उस टाइट के निवास स्थान के परिवर्तन के लिए पुनः विचार नहीं किया जाएगा।

(5) जो अधिकारी निवास स्थान का परिवर्तन स्वीकार करने के पश्चात् उसका कब्जा नहीं लेता उसमें ऐसे निवास स्थान के लिए अनु० नि० 317 क० ४० 12 के उपनियम (1) के उपबन्धों के अनुसार अनुज्ञप्ति फीस ली जायगी जो, उस निवास स्थान के लिए, जो पहले ही उसके कब्जे में है और जिसका आर्बंटन बराबर बना रहेगा, अनु० नि० 45-क के अधीन प्रामाण्य अनुज्ञप्ति फीस के अनिवार्य होगी।

अनु० नि० 317 क० ४० 16-कुटुम्ब के सदस्य की मृत्यु की दशा में निवास-स्थान का परिवर्तन :—अनु० नि० 317-क० ४० 15 में किसी बात के होते हुए भी, यदि किसी अधिकारी के कुटुम्ब के किसी सदस्य की मृत्यु हो जाती है और वह निवास स्थान के परिवर्तन के लिए आवेदन ऐसी भटना के तीन मास के भीतर करता है तो उसे निवास-स्थान के परिवर्तन की अनुज्ञा दी जा सकती है। परन्तु यह परिवर्तन उसी टाइट के निवास-स्थान में तथा उसी बजित पर होगा जिस टाइट का निवास-स्थान उस अधिकारी को पहले से आर्बंटन है।

अनु० नि० 317 क० ४० 17-निवास स्थानों का पारस्परिक विनियम :—जिन अधिकारियों को इन नियमों के अधीन एक ही टाइट के निवास स्थान आर्बंटन किए गए हैं, वे आवेदन कर सकते हैं कि उन्हें अपने निवास स्थानों का पारस्परिक विनियम करने की अनुज्ञा दी जाए। जब इस बात की उचित तौर पर प्रत्याशा हो कि दोनों अधिकारी ऐसे विनियम के अनुमोदन की तारीख से कम से कम छह मास तक एक ही स्थान में कर्तव्यावधि रहेंगे और पारस्परिक रूप से विनियम में प्राप्त अपने निवास स्थानों में रहेंगे तब पारस्परिक विनियम की अनुज्ञा दी जा सकती है।

अनु० नि० 317 क० ४० 18-निवास स्थानों का रख-रखाव :—जिन अधिकारियों को निवास स्थान का आर्बंटन किया गया है वह उसे और परिवारों को आर्बंटन प्राधिकारी तथा स्थानीय नगरपालिका प्राधिकारियों के संतुष्टिपूर्वक रूप से साफ दशा में रखेगा। ऐसा अधिकारी उस निवास स्थान से सतत किसी बाग, महल या चारखाने में न तो केन्द्रीय अन्वेषण ब्यूरो द्वारा जारी किए गए अनुदेशों के विरुद्ध कोई वृक्ष, झाड़ी या पौधे उगाएगा और न ही किसी विद्यमान वृक्ष या झाड़ी को केन्द्रीय अन्वेषण ब्यूरो को लिखित पूर्व अनुज्ञा के बिना काटेगा या छाटेगा। इस नियम के उल्लंघन में उगाए गए वृक्ष, पौध या वनस्पति सम्बन्धित अधिकारी की जोखिम पर और उसके खर्च पर केन्द्रीय अन्वेषण ब्यूरो द्वारा हटवाए जा सकते हैं।

अनु० नि० 317-क० ४० 19-निवास स्थान की शिकमी देना और सहयोग :—(1) कोई अधिकारी अपने का आर्बंटन निवास स्थान या उससे सतत उपगृहों, गैरेजों और अस्तबलों का सहयोग इन नियमों के अधीन निवास स्थान के आर्बंटन के पात्र केन्द्रीय अन्वेषण ब्यूरो के कर्मचारियों के साथ ही करेगा। सेवक निवासी (या क्वार्टरों, उपगृहों, गैरेजों और अस्तबलों) का उपयोग केवल उचित प्रयोजनों के लिए जिनके अंतर्गत आर्बंटिटी के सेवकों का निवास भी है, या अन्य ऐसे प्रयोजनों के लिए किया जाएगा जिनको आर्बंटन अधिकारी अनुज्ञा दे।

(2) कोई अधिकारी अपने सम्पूर्ण निवास स्थान को शिकमी नहीं देगा :

परन्तु छुट्टी पर जाने वाला अधिकारी अपने निवास स्थान में किसी अन्य अधिकारी को, जो केन्द्रीय अन्वेषण ब्यूरो आवास सुविधा का सहयोग

करने के लिए पात्र है देखभाल करने वाले के रूप में अनु० नि० 317 क० ४० 10(2) में विनिर्दिष्ट अवधि पर्यन्त, किन्तु छह मास से अधिक नहीं रख सकता है।

(3) जो अधिकारी अपने निवास स्थान का सहयोग करे या उसे शिकमी दे वह ऐसा अपनी जोखिम और उत्तरदायित्व पर करेगा और उस निवास-स्थान की बाह्य वेथ कोई अनुज्ञप्ति फीस देने के लिए और ऐसे किसी नुकसान के लिए वैयक्तिक रूप से उत्तरदायी बना रहेगा जो निवास स्थान की या उसकी प्रतीमाओं या भूमियों को या सरकार द्वारा उसमें की गई सेवा व्यवस्थाओं को पहुँचे और जो उचित टूट-फूट के अनिवार्य हो।

(4) वे अधिकारी जो निःशुल्क वाम सुविधा के हक्कार हैं जब तक केन्द्रीय अन्वेषण ब्यूरो के किसी अन्य कर्मचारी को उसे निवास स्थान को शिकमी देने के लिए अथवा उसके साथ सहयोग करने के लिए अनुज्ञा नहीं किए जाएँगे जब तक कि ऐसा करने के लिए आर्बंटन प्राधिकारी का अनुमोदन पहले ही प्राप्त नहीं कर लिया जाता। ऐसे अधिकारी की इस बात के लिए भी बचनबद्ध होना पड़ेगा कि वह सहयोगी से कोई अनुज्ञप्ति फीस नहीं लेगा।

अनु० नि० 317 क० ४० 20-नियमों और शर्तों का भंग करने का परिणाम :—

(1) यदि वह अधिकारी जिसे निवास स्थान आर्बंटन किया गया हो, अप्राधिकृत रूप से निवास स्थान शिकमी देता है या सहयोगी से अनुज्ञप्ति फीस ऐसी दर से लेता है जिसे आर्बंटन प्राधिकारी अत्यधिक समझता है अथवा निवास स्थान के किसी भाग में कोई अप्राधिकृत निर्माण करता है अथवा निवास स्थान या उसके किसी भाग का उपयोग उन प्रयोजनों से भिन्न प्रयोजनों के लिए करता है जिनके लिए वह है अथवा विद्युत या जल के कनेक्शन को बिगाड़ता है अथवा इस प्रभाग के नियमों या आर्बंटन के निबन्धनों और शर्तों को भंग करता है अथवा किसी ऐसे प्रयोजनों के लिए, जिन्हें आर्बंटन प्राधिकारी अनुचित समझे, निवास स्थान या परिवार का उपयोग करता है या किए जाने की अनुज्ञा देकर नुकसान पहुँचाना है अथवा स्वयं ऐसा आचरण करता है जो आर्बंटन प्राधिकारी की राय में उस अधिकारी के पदोन्नतियों में शान्तिपूर्ण सम्बन्धों को बनाए रखने पर प्रतिकूल प्रभाव डालने वाला है अथवा आर्बंटन प्राप्त करने की दृष्टि से किसी आवेदन या निश्चित कथन में कोई गलत जानकारी जानबूझ कर देता है तो आर्बंटन प्राधिकारी उस अनुशासनिक कार्यवाही पर प्रतिकूल प्रभाव डाले बिना जो उस अधिकारी के विरुद्ध की जा सकती हो, निवास स्थान का आर्बंटन रद्द कर सकता है।

स्पष्टीकरण :—इस उपनियम में, जब तक कि संदर्भ से अन्यथा प्रेषित न हो, "अधिकारी" के अन्तर्गत उसके कुटुम्ब का कोई सदस्य और ऐसे अधिकारी के माध्यम से वातावरण करने वाला कोई व्यक्ति भी है।

(2) यदि कोई अधिकारी उसे आर्बंटन निवास स्थान को या उसके किसी भाग को या उससे सतत किसी उपगृह, गैरेज या अस्तबल को इन नियमों का उल्लंघन करके शिकमी देता है तो ऐसी किसी अन्य कार्यवाही पर प्रतिकूल प्रभाव डाले बिना जो उसके विरुद्ध की जा सकती हो, उसकी वधित अनुज्ञप्ति फीस ली जा सकती जो मूल नियम 45-क के अधीन मानक अनुज्ञप्ति फीस के चार गुने से अधिक न हो। प्रत्येक मामले में इस बात का विनिश्चय कि कितनी अनुज्ञप्ति फीस वसूल की जाए और किस अवधि के लिए वसूल की जाए आर्बंटन प्राधिकारी सुपागुण के आधार पर करेगा। इनके अनिवार्य उस अधिकारी को भविष्य में ऐसी विनिर्दिष्ट अवधि पर्यन्त, जो आर्बंटन प्राधिकारी द्वारा विनिर्दिष्ट की जाए, निवास स्थान का सहयोग करने से विवर्जित किया जा सकता है।

(3) जहाँ आर्बंटिटी द्वारा परिवार के अप्राधिकृत रूप से शिकमी दिए जाने के कारण आर्बंटन को रद्द करने की कार्रवाई की जाए वहाँ आर्बंटिटी तथा उसके साथ उसमें निवास करने वाले जिस अन्य व्यक्ति का परिवार को खाली करने के लिए साठ वित्त का समय दिया जाएगा। परिवार खाली किए जाने की तारीख या आर्बंटन रद्द करने के आदेश

की सारीख से, जो भी पूर्वतर हो, साठ दिन की अवधि समाप्त होने पर आर्बंटन रद्द हो जाएगा।

(4) जहाँ निवास स्थान का आर्बंटन ऐसे आचरण के कारण रद्द किया जाए जो पड़ोसियों से शान्तिपूर्ण सम्बन्ध बनाए रखने पर प्रतिकूल प्रभाव डालने वाला हो जहाँ, उस अधिकारी को आर्बंटन प्राधिकारी के विवेकानुसार उसी वर्ग का अन्य निवास किसी अन्य स्थान आर्बंटित किया जा सकता है।

(5) आर्बंटन प्राधिकारी इस नियम के उपनियम (1) से (4) तक के अधीन सभी कार्यवाहियाँ या कोई कार्यवाही करने के लिए, तथा ऐसे अधिकारी को, जो नियमों को तथा उसको जारी किए गए अनुदेशों को ध्यान करता है, तीन वर्ष से अवधिक की अवधि के लिए अवकाश सुविधा के आर्बंटन के लिए अपात्र घोषित करने के लिए भी सक्षम होगा।

अनु० नि० 317-क० ड०-21-आर्बंटन के रद्द किए जाने के पश्चात् निवास-स्थान में बने रहना :—जहाँ कोई आर्बंटन इन नियमों के किसी उपबन्ध के अधीन रद्द किया जाए या रद्द कर दिया गया समझा जाए और तत्पश्चात् वह निवास स्थान उस अधिकारी के, जिसे वह आर्बंटित किया गया हो या उसके माध्यम से दावा करने वाले व्यक्ति के अधिभोग में बना रहे या बना रहा हो वहाँ ऐसा अधिकारी उस निवास-स्थान, सेवाओं, फर्नीचर के उपयोग और उपभोग के लिए उतनी नुकसानी और बाग प्रभाग का देनदार होगा जो सरकार द्वारा समय-समय पर अवधारित बाजार अनुज्ञप्ति फीस के बराबर हों :

परन्तु किसी अधिकारी को, विशेष दशाओं में, सू० नि० 45-क के अधीन मासिक अनुज्ञप्ति फीस में दोगुना देने पर अनु० नि० 317-क० ड० 11(2) के अधीन अनुज्ञप्ति अवधि के परे छह मास से अवधिक की अवधि के लिए निवास-स्थान रखने के लिए आर्बंटन प्राधिकारी द्वारा अनुज्ञात किया जा सकता है।

अनु० नि० 3170 क० ड० 22-इन नियमों के जारी किये जाने से पहले किए गए आर्बंटनों का बना रहना :—निवास स्थान के किसी ऐसे विधिमार्ग आर्बंटन के बारे में जो इन नियमों के प्रारम्भ के ठीक पूर्व तत्समय प्रावृत्त नियमों के अधीन अस्तित्व में हो यह समझा जाएगा कि वह इन नियमों के अधीन सम्यक् रूप से किया गया आर्बंटन है भले ही वह अधिकारी जिसे वह आर्बंटन किया गया हो, अनु० नि० 317-क० ड०-4 के अधीन उस टाइप के निवास स्थान का हकदार

न हो और उस आर्बंटन और उस अधिकारी के सम्बन्ध में इस नियमों के सभी पूर्वगामी उपबन्ध तदनुसार लागू होंगे।

अनु० नि० 317-क० ड०-23-नियमों का निर्वचन :—यदि इन नियमों के निर्वचन की बाबत कोई प्रश्न उठता है तो वह केन्द्रीय सरकार को निर्दिष्ट किया जाएगा जो उसका विनिश्चय करेगी।

अनु० नि० 317-क० ड०-24-नियमों का शिथिलीकरण :—सरकार ऐसे कारणों से जो लेखबद्ध किए जाएंगे इन नियमों के सभी उपबन्धों की या उनमें से किसी को किसी अधिकारी या निवास स्थान के मामले में या अधिकारियों के किसी वर्ग या निवास स्थानों के किसी टाइप के बारे में शिथिल कर सकती है।

अनु० नि० 317-क० ड०-शक्तियों या कृत्यों का प्रत्यायोजन :—सरकार इन नियमों द्वारा उसे प्रदत्त कोई शक्ति या सभी शक्तियाँ अपने नियंत्रणाधीन किसी अधिकारी को ऐसी शर्तों के अधीन प्रत्यायोजित कर सकेगी जिन्हें प्रत्यायोजित करना वह ठीक समझती है।

अनु० नि० 317 क० ड०-26-अनुज्ञप्ति फीस की वसूली :—कार्या-लयाध्यक्ष यह सुनिश्चित करेगा कि केन्द्रीय अन्वेषण ब्यूरो के निवास स्थानों की अनुज्ञप्ति फीस में वसूलियाँ सम्बन्धित सरकारी सेवाओं को परिनिष्ठियों में से मूल नि० 45-क और उनके अन्तर्गत बनाए गए अनुपूरक नियमों के अनुसार नियमित रूप से की जाती है तथा प्राप्तियों उपयुक्त राजस्व शीर्ष में जमा खाने की जाती हैं। तथापि ऐसे कर्मचारीबृन्द में जो सेवा की शर्तों के अनुसार निःशुल्क वास सुविधा के हकदार हैं, कोई अनुज्ञप्ति फीस बसूल नहीं की जाएगी परन्तु यह तब जब उनके उपभोगाधीन निवास स्थान प्रसामान्य नियमों के अन्तर्गत आटक का संयोजन बिना उसके द्वारा रखे जा सकते हों।

अनुसूची

प्ररूप 1

प्ररूप 2

प्ररूप 3

प्ररूप 4

[सं० 204/9/74-ए० वी० सी०-II]

जे० खन्ना, उप-मन्त्रि

प्ररूप 1

[विधि नियम 317-ए एन 6(2)]

सा० नि०-2

प्रारम्भिक आर्बंटन और/या

पात्र टाइप के लिए

भारत सरकार

केन्द्रीय अन्वेषण ब्यूरो

इस काम की वे अधिकारी भर्ते (क) जो अपने पात्र टाइप के मकानों में नहीं रह रहे हैं और (ख) जो आर्बंटन के दुरुस्त हैं और जिन्हें कोई मकान केन्द्रीय अन्वेषण ब्यूरो द्वारा न दिया गया हो)

19-----के बच के लिए निवास स्थान के आर्बंटन के लिए आवेदन

श्री/श्रीमती/कुमारी

(माफ अक्षरों में)

(ख) निवास का पूरा ब्योरा *

टाइप

पूरा पता ठिकाना

किम पूरा का है*

(i) केन्द्रीय अन्वेषण ब्यूरो

(ii) किसी अन्य सरकारी विभाग द्वारा

(विभाग का नाम भी लिखिए)

और

ii) निजी प्रबन्ध द्वारा

*केवल मकान (i) के बारे में ही भरा जाये।

- (ग) (i) वर्तमान पदनाम (i)-----
(ii) वेतनमान (ii)-----
- (घ) जिस सेवा से अधिकारी सम्बन्धित हो उसका व्यौरा (अर्थात् केन्द्रीय सेवा/राज्य सेवा/भारतीय नौसैनिक सेवा, भारतीय प्रशासनिक सेवा, भारतीय पुलिस सेवा)
- (ङ) केन्द्रीय सरकार/राज्य सरकार ('हतर' सेवा की अवधि सहित) के अधीन किस तारीख से लगातार नौकरी कर रहे हैं
- (च) तारीख जब से लगातार भारत सरकार के अधीन किसी पद पर कार्य कर रहे हैं।
- (छ) यदि सावधिक अधिकारी हों तो वह तारीख जब से 'सावधिक पद' पर हैं
- (ज) क्या अनुसूचित जाति/अनुसूचित आदिम-जाति के हैं
(केवल टाइप I और II के पात्र अधिकारियों के मामले में)

2. (क) पहली प्रगस्त, 1970 की परिलब्धियां चाहे वह केन्द्रीय सरकार/राज्य सरकार/('हतर सेवा' की अवधि सहित) के अधीन पद पर ली गई हों। (इसमें तगर प्रतिकर भत्ता नहीं मिलाया जाएगा)।

| वेतन | विशेष वेतन | मंजूरी वेतन/मंजूरी भत्ते का वह भाग जो 1-2-1969 से लिया है | प्रतिनियुक्ति भत्ता | वेतन के प्रतिरिक्त ली जाने वाली पेन्शन यदि कोई हो (फूट-नोट नं० 1 देखिए) | जोड़ | खाना 6 में बताई गई परिलब्धियां किस तारीख से ली जा रही हैं |
|------|------------|-----------------------------------------------------------|---------------------|-------------------------------------------------------------------------|------|-----------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(ख) यदि भारत सरकार को संचित निधियों में भिन्न स्रोत से परिलब्धियां ली जा रही हैं तो उस स्रोत का उल्लेख कीजिए फूट-नोट नं० 2 देखिए।

3. किस टाइप के पात्र हैं (फूट-नोट नं० 3 देखिए) तथा उनके लिए प्रगता तारीख

| I | | II | | | |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| उन अधिकारियों के लिए जो टाइप I से IV तक के पात्र हैं | | उन अधिकारियों के लिए जो टाइप V से VII तक के पात्र हैं | | | |
| समुचित टाइप | केन्द्रीय सरकार/राज्य सरकार ('हतर सेवा' की अवधि सहित) के अधीन किस तारीख से लगातार नौकरी कर रहे हैं | (क) समुचित टाइप | (ख) ठीक नीचे का टाइप (केवल वे ही अधिकारी भरें जो टाइप V से VIII तक के पात्र हैं) | | |
| | | टाइप | हम टाइप के लिए निर्धारित न्यूनतम परिलब्धियां केन्द्रीय सरकार/राज्य सरकार ('हतर सेवा' की अवधि सहित) के अधीन पद पर लगातार कब से ली जा रही हैं | | |
| 1 | 2 | 3 | 4 | 5 | 6 |

4. कार्य स्थान का सही व पूरा डाक पता मही स्थिति डाक पता
5. क्या आवेदक को सरकारी निवास से वारित किया गया है? यदि हां, तो किस तारीख तक
6. क्या आवेदक बिना किराया के निवास पाने का पात्र है?
7. क्या आवेदक स्थायी/स्थायित्व अस्थायी है स्थायी स्थायित्व अस्थायी जो लागू नहीं होता उसे काट दीजिए।

घोषणा

- (1) कर्मिक और प्रशासनिक सुधार विभाग (केन्द्रीय अन्वेषण ब्यूरो) निबाम स्थान आर्बंटन नियम, 1976 मैंने पढ़ लिये हैं/मुझे पढ़कर सुना दिये गये हैं और मैं घोषणा करता हूँ कि मैंने जो व्यौरे ऊपर दिये हैं वे सही हैं तथा मेरे नाम बास का जो आर्बंटन किया जायेगा अथवा किया जा चुका है वह इन नियमों और पञ्चर्त्त संशोधनों, यदि कोई हों, के अधीन होगा।

(2) मैं बंगला/फ्लैट/क्वार्टर सं०—टाइप—में रह रहा हूँ जिसका आवंटन जारी रखने के लिए मैंने केन्द्रीय भ्रष्टाचार ब्यूरो को समुचित फार्म पर पहले ही आवेदन दे दिया है।

(3) खाना 5 में की गयी प्रबिष्टि भी सही है।

(यदि मद सं० 2 और 3 लागू नहीं हों तो उन्हें काट दें)

तारीख

हस्ताक्षर

मन्त्रालय/कार्यालय जिसमें नियुक्त हैं

टिप्पणी : वास की टाइप विशेष के लिए पात्र अधिकारी यदि ठीक नीचे के टाइप के लिए विचार किये जाने के दृष्टिकोण हों तो उन्हें वो आवेदन देने चाहिए।

फुट-नोट

1. पेंशन.—अपेंशन में वह भाग भी सम्मिलित होना चाहिए जो मृत्यु व सेवा-निवृत्ति उपदान तथा परिवर्तित पेंशन-ग्रंथ के बराबर हो। केवल पुनर्नियुक्त सरकारी कर्मचारियों पर ही लागू होगा।

2. भारत सरकार की संवित्त निधियों का अर्थ : वह समस्त राजस्व जो भारत सरकार को प्राप्त होता है तथा वह सभी धन जो ऋण द्वारा एकत्रित किया जाता है तथा वह सभी धन जो ऋणों की वापसी के रूप में प्राप्त होता है।

3. पात्रता टाइप :

| | I | II | III | IV | V |
|---------------------|-------------------|------------------------|------------------------|--------------------------|----------------------|
| मासिक परिवर्द्धियां | र० 259 या उससे कम | र० 260 से र० 499 से कम | र० 500 से र० 999 से कम | र० 1000 से र० 1499 से कम | र० 1500 या उससे अधिक |

प्रारूप-2

से० नि० 2(क)

(हकधारी)

भारत सरकार

केन्द्रीय भ्रष्टाचार ब्यूरो

(आवंटन जारी रखने के लिये उन अधिकारियों द्वारा आवंटन जो सरकारी वास में रह रहे हैं)

वर्ष के लिये मैं टाइप के वास का आवंटन जारी रखने के लिये आवेदन

(क) (1) नाम

(2) पदनाम

(3) क्या आवेदन स्थायी स्थायित्व भ्रष्टाई है ?

(क) स्थायी

(ख) स्थायित्व

(ग) भ्रष्टाई

(1) जामिन का नाम

(2) पदनाम

(3) सेवानिवृत्त होने की संभावित तारीख

(4) कार्यालय का नाम

(4) कार्यालय का ब्यौरा

(5) कार्यालय स्थान का पूरा पता

(6) सरकारी वास का पूरा ब्यौरा, जिसमें रह रहे हैं। क्वार्टर/फ्लैट/बंगला सं० बस्ती किस पूल का है

(ख) (1) पहली अनवरी को परिवर्द्धियां :

| वेतन | विशेष वेतन | महगाई वेतन/महगाई भत्ते का वह भाग जो 1-2-1969 के वेतन मान लिया है | प्रतिनियुक्ति भत्ता | वेतन के अनतिरिक्त की जाने वाली पेंशन यदि कोई हो | जोड़ | खाना 6 में बताई गई परिवर्द्धियां किस तारीख से ली जा रही हैं |
|------|------------|------------------------------------------------------------------|---------------------|-------------------------------------------------|------|-------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(2) किस टाइप के पात्र हैं।

(क) टाइप

(ख) भ्रष्टा तारीख

(ग) वेतन किस स्रोत से लिया जा रहा है।

(क) भारत की संवित्त निधि से

(ख) यदि वेतन भारतीय संविधान निधि से नहीं लिया जाता तो सही स्रोत बताइये।

(घ) क्या आवेदक बिना किराया के निवास पाने का पात्र है ?

घोषणा

(1) प्रमाणित किया जाता है कि ऊपर दिये गये व्यौरे सही हैं ? मैंने कार्मिक और प्रशासनिक सुधार विभाग (केन्द्रीय अन्वेषण ब्यूरो) निवास स्थान आवंटन नियम, 1976 पढ़ लिये हैं। मेरा वर्तमान आवंटन उन नियमों और समय-समय पर किये गये परवर्ती संशोधनों यदि कोई हो, के अधीन होगा।

(2) मैं बिना किराया के निवास पाने का पात्र हूँ।

(लागू नहीं होता, तो काट दें)

(3) (1) मैं अपनी पालना के रिहायशी वास के आवंटन का हचकूक नहीं हूँ। अतः मैंने अपनी पात्र टाहप के वास के आवंटन के लिये अलग आवेदन नहीं दिया है।

(ii) मैं अपनी पालना के वास के आवंटन का हचकूक हूँ जिसके लिये मैंने अलग आवेदन दिया है।

केन्द्रीय अन्वेषण ब्यूरो द्वारा आवंटित पात्र टाहप का वास न लेने पर जो बंध लगाये जायेंगे उनसे संबंधित आदेश मैंने पढ़ लिये हैं।

टिप्पणी—जो आवश्यक न हों उसे काट दें।

तारीख

आवेदक के हस्ताक्षर

संस्थान/कार्यालय का नाम

(आवेदक के प्रशासनिक कार्यालय द्वारा भरा जाए)

सं०

तारीख

सम्पदा निदेशक, नई दिल्ली को प्रेषित

सूत्रभाष्य नं०

हस्ताक्षर

पदनाम

कार्यालय का नाम

(संपदा निदेशालय, आवंटन अनुभाग द्वारा प्रयोग के लिये)

(क) सियन की जाँच को

(ख) जमिन की जाँच की

(ग) विलिङ्ग रजिस्टर, खंड—मब—में प्रविष्टियाँ कर दी गई हैं।

तारीख सहित लिपिक के हस्ताक्षर

सहायक निदेशक के हस्ताक्षर

(किराया वसूली अनुभाग, के प्रयोग के लिये)

(1) किराया कार्ड नं०—वर्ष सहित—तारीख सहित लिपिक के हस्ताक्षर

लेखाकार/अधीक्षक के हस्ताक्षर

फुट नोट

(1) वास की विभिन्न टाहपों के लिये वेतन सीमा :

| | i | ii | iii | iv | v |
|-------------------|---------------|-----------------------------|-----------------------------|----------------------------|---------------------------|
| मासिक परिलब्धियाँ | रु० 259 से कम | रु० 260 से रु० 499 से कम | रु० 500 से रु० 999 से कम | रु० 1000 रु० 1499 से कम | रु० 1500 तथा उससे अधिक |

(2) टाहप 1 से 4 के मामले में अग्रता तारीख के लिये केन्द्र/राज्य सरकार के अधीन समस्त सेवा काल गिना जाता है। टाहप 5 से 7 के मामले में अग्रता तारीख उस पहले की तारीख से गिनी जाती है जब से अधिकारी वेतन सीमा की न्यूनतम राशि केन्द्रीय/राज्य सरकार के अधीन लगातार रूप से ले रहा है।

(3) टाहप 8 के मामले में वह तारीख जब से अधिकारी सचिव/अतिरिक्त सचिव का पद या समान दर्जे का पद ग्रहण कर रहा है।

प्ररूप-3

प्रतिभूति-बंधपत्र

मैं, श्री----- (नाम) जो श्री----- का पुत्र और इस समय-----में-----के रूप में नियोजित हूँ, श्री-----के अनुरोध पर भारत के राष्ट्रपति (जिन्हें इसमें भागे "सरकार" कहा गया है और इसके अन्तर्गत उनके समनुदेशिनी भी हैं) के प्रति, श्री-----, जो इस समय-----में-----के रूप में नियोजित हैं, द्वारा उस निवास स्थान की बाज़त जो सरकार ने उन्हें आबंटित किया है तथा ऐसे किसी निवास स्थान, अतिरिक्त आवास, अतिरिक्त सेवक-क्वार्टर या गैरेज के लिए, जो सरकार उन्हें मगर समय पर आबंटित करे, अनुमति फीस और अन्य देय रकमों के संदाय के लिए प्रतिभू (इसके अन्तर्गत मेरे वारिस, निष्पादक और प्रशासक भी हैं) बनता हूँ।

मैं, प्रतिभू, उस समय तक जब तक उसका (आबंटित निवास स्थान आदि का) खासी कइया सरकार को मीव नहीं दिया जाता है, सभी हानि और मुकसान के लिए सरकार को क्षतिपूर्ति करूँगा और उसे क्षतिपूर्ति रखूँगा। मैं, प्रतिभू, बचनबंध करता हूँ कि मैं सरकार की मांग पर ऐसी सब रकमों का तुरन्त और किसी आपत्ति के बिना संदाय करूँगा, जो सरकार को यथापूर्वोक्त देय हो तथा मैं इस बात के लिए सहमत हूँ कि सरकार उक्त रकमों को मुझे संदेय वेतन में से वसूल करने के लिए स्वतंत्र होगी (और उसे ऐसा करने के लिए इसके द्वारा अप्रतिसंहरणीय रूप से प्राधिकृत किया जाता है।) इस प्रकार वसूल की जाने वाली रकमों के बारे में सरकार का विनिश्चय और उन रकमों का संदाय करने के लिए मेरा दायित्व अंतिम और मुझ पर आबद्धकर होगा।

मैंने ऊपर जिन बाध्यताओं का बचनबंध किया है वे, सरकार द्वारा समय बढ़ाए जाने या उक्त श्री----- (आबंटिनी का नाम) के प्रति कोई अन्य उदारता बरते जाने के कारण या किसी अन्य विषय या बात से, जो यदि ये उपबंध न होने तो मैं प्रतिभूओं से संबंधित नियम और विधि के अधीन ऐसे दायित्व से मुक्त हो जाता, उन्मोचित या किसी प्रकार प्रभावित नहीं होगी। जब तक ऐसा कोई निवास स्थान, सेवक क्वार्टर और/या गैरेज उक्त श्री----- (आबंटिनी का नाम) के दखल में बना रहता है, इस प्रत्याभूति (गारंटी) का किसी भी समय प्रतिसंहरण नहीं किया जा सकेगा और न यह मेरी मृत्यु से उन्मोचित होगी।

सरकार ने यह स्वीकार कर लिया है कि इस दस्तावेज पर जो भी स्टाम्प मुल्क देना होगा वह सरकार देगी।

उक्त-----ने तारीख-----को हस्ताक्षर किए और परिवान किया।

हस्ताक्षर-----

प्रतिभू के हस्ताक्षर
पदनाम

साक्षी का पता और वृत्ति

कार्यालय जिसमें संलग्न है-----

प्रमाणित किया जाता है कि उपर्युक्त प्रतिभू स्थायी सरकारी कर्मचारी है। उनकी आयु-----वर्ष है और उसका वेतन-----रु० प्रतिमास है।

उस कार्यालय के विभागाध्यक्ष के हस्ताक्षर
जिसमें प्रतिभू नियोजित है।

प्ररूप-4

(नियम 317-ए एन 15 देखिए)

भारत सरकार

केन्द्रीय अन्वेषण ब्यूरो

(एस आर 317-ए० एन० 15 के अधीन आवास के परिवर्तन के लिए आवेदन-पत्र)

1. नाम----- 2. वर्तमान पदनाम-----
- (क) 1-1-19-----को उपलब्धियां-----रु० तारीख-----से
- (ख) किस टाइप के हकदार है-----उसकी पूर्विता तारीख क्या है-----
- 4 इस समय जो आवास दखल में है उसकी विशिष्टियां (क) आवास का टाइप-----
- (ख) पता-----
- (ग) उक्त टाइप के लिए पूर्विता तारीख-----
5. चाहे गए परिवर्तन की विशिष्टियां :-
- (क) सड़क, कालोनी या मोहल्ला जहाँ परिवर्तन चाहा गया है-----
- (ख) फ्लोर-----
- (ग) निर्माण का डिजाइन-----

घोषणा

मैं घोषणा करता हूँ कि जिस टाइप का आवास एस आर 317 ए एन-4 के अधीन मेरे दखल में है, उस टाइप में मुझे आवास का कोई परिवर्तन नहीं दिया गया है और ऐसे परिवर्तन के लिए यह मेरा पहला आवेदन पत्र है।

हस्ताक्षर-----

केन्द्रीय अन्वेषण ब्यूरो-----

कार्मिक और प्रशासनिक सुधार विभाग

तारीख-----

CABINET SECRETARIAT

(Department of Personnel and Administrative Reforms)

New Delhi, the 31st December, 1976

S.O. 214.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the Central Government hereby makes the following rules laying down the principles governing the allotment to officers serving in the Central Bureau of Investigation for use by such officers as residences the buildings constructed or to be constructed by the Central Bureau of Investigation, and makes the following further amendments to the Supplementary Rules issued with the Government of India, Finance Department letter No. 104-CSR dated the 4th February, 1972, namely :—

In part VIII of the said Rules, after Division No. XXVI A.N., the following shall be inserted, namely :—

“S.R. 317 A.N. 1—Short title, application and commencement.—(1) These rules may be called the Department of Personnel and Administrative Reforms (Central Bureau of Investigation) Allotment of Residences Rules, 1976.

(2) They shall apply to the allotment of all residential buildings which have been constructed or which may be constructed for occupation by the Executive Officers and other staff under the administrative control of the Central Bureau of Investigation.

(3) They shall come into force at once.

S.R. 317—A.N. 2—Definitions :—In these rules, unless the context otherwise requires :—

- (a) ‘allotment’ means the grant of a licence to occupy a residence in accordance with the provisions of these rules;
- (b) ‘allotment year’ means the year beginning on the 1st January or such other period as may be notified by the Department of Personnel and Administrative Reforms (Central Bureau of Investigation);
- (c) ‘Allotting Authority’ means Administrative Officer (Accounts), Central Bureau of Investigation at Delhi and Superintendent of Police, Central Bureau of Investigation, in case of the Central Bureau of Investigation Branches located outside Delhi;
- (d) ‘Central Bureau of Investigation’ means the Head Office and Branches of the Central Bureau of Investigation located at Delhi and at other Duty Stations in India;
- (e) ‘Duty Station’ means the Station at which the Central Bureau of Investigation Branch is located and at which an officer of Central Bureau of Investigation has to attend his normal duties;
- (f) ‘Eligible officer’ means an officer who is eligible for allotment of that type of residence which is admissible under S.R. 317-A.N. 3 and is required to reside at the station where the residence is situated;
- (g) ‘emoluments’—(i) for the purpose of allotment of a residence, mean pay as defined in clause (a) of sub-rule (21) of rule 9 of the Fundamental Rules;
- (ii) for the purpose of recovery of licence fee, has the same meaning as in rule 45-C of the Fundamental Rules ;

EXPLANATION : In the case of an officer who is under suspension, the emoluments drawn by him on the 1st day of the allotment year in which he is placed under suspension or, if he is placed under suspension on the first day of the allotment year, the emoluments drawn by him immediately before that date shall be taken as the emoluments;

- (h) ‘executive officers’ mean the officers and men of the Police Force of the Central Bureau of Investigation;

- i) ‘family’ means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the officer;
- (j) ‘Form’ means a Form appended to these rules;
- (k) ‘Government’ means the Central Government;
- (l) ‘Head of the Department’ in relation to the officers and other staff employed in the Central Bureau of Investigation, means Director, Central Bureau of Investigation and Inspector-General of Police, Special Police Establishment;
- (m) ‘licence fee’ means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these rules;
- (n) ‘officer’ means an executive officer and includes a member of the other staff;
- (o) ‘other staff’ means officers and staff of the prosecution and ministerial sides of the Central Bureau of Investigation;
- (p) ‘priority date’ of an officer in relation to a type of residence to which he is eligible under the provisions of S.R. 317-A.N.-3, means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Central Government or State Government or on foreign service, except for periods of leaves :

Provided that in the case of an officer on deputation to foreign service on his reposting in the Central Bureau of Investigation, the period of foreign service shall be included for the purpose of determining the priority date :

Provided further that where the priority date of two or more officers is the same, seniority among them shall be determined by the amount of emoluments, the officer in receipt of higher emoluments, taking precedence over the officer in receipt of lower emoluments, and where the emoluments are equal, by the length of service :

Provided also that in respect of Types I, II, III and IV residences, the date from which the officer has been continuously in service under the Central Government or State Government including the periods of foreign service, shall be his priority date for that type;

- (q) ‘residence’ means a residence to which these rules apply;
- (r) ‘subletting’ includes sharing of accommodation by an allottee with another person with or without payment of licence fee by such other person, but does not include a casual guest;
- (s) ‘temporary transfer’ means a transfer which involves an absence for a period not exceeding four months;
- (t) ‘transfer’ means a transfer from one Duty Station to another Duty Station or from Central Bureau of Investigation to any other office and includes a transfer or reversion to service under a State Government or Union Territory Administration and also deputation to a post in any other office or organisation;
- (u) ‘type’ in relation of an officer means the type of residence to which he is eligible under S.R. 317-A.N.-3 :

EXPLANATION : Any sharing of accommodation by an allottee with close relations shall not be deemed to be subletting.

S.R. 317-A.N. 3-Officers owning houses to be ineligible for allotment under these rules :—(1) In this rule—

- (a) 'adjoining municipality' means any municipality contiguous to a local municipality;
- (b) 'house' in relation to an officer or member of his family means a building or part thereof used for residential purposes and situated within the jurisdiction of a local municipality or any adjoining municipality.

EXPLANATION : A building, part of which is used for residential purposes, shall be deemed to be a house for the purposes of this clause notwithstanding that any part of it is used for non-residential purposes;

- (c) 'local Municipality' in relation to an officer means the municipality within whose jurisdiction his office is located;
- (d) 'member of family' in relation to an officer means the wife or husband, as the case may be, or a dependent child of the officer;
- (e) 'municipality' includes a municipal corporation municipal committee or board, a town area committee, a notified area committee and a cantonment Board.

(2) No officer shall be eligible for allotment of Government residence under these rules if he or any other member of his family owns a house.

(3) If an officer in occupation of Government residence owns a house or any other member of his family owns a house, he shall surrender the Government residence in his occupation.

(4) Where an officer to whom sub-rule (3) is applicable does not surrender the Government residence as required under that sub-rule, he shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market licence fee as may be determined by Government from time to time.

(5) Notwithstanding anything in sub-rule (3) or sub-rule (4), where the house, owned by the officer to whom sub-rule (3) applies or by any other member of his family, is not comparable to the residence to which such officer is otherwise entitled under these rules, then such officer, may be allowed to retain the Government residence in his occupation on the payment of licence fee under F.R. 45-A, if such officer offers the house so owned by him or by any other member of his family, on lease, to the Allotting Authority of Central Bureau of Investigation at such rent, for such period and on such other conditions relating to the lease as may be determined by the Central Bureau of Investigation and undertake to give vacant possession thereof to Allotting Authority of Central Bureau of Investigation within one week of the communication of the acceptance of the officer :

Provided that the Central Bureau of Investigation, if it considers necessary so to do, having regard to the rent payable for the house, the locality in which it is situated the availability of other houses for occupation by Government servants and other relevant circumstances and factors, refuse the offer made as aforesaid :

Provided further that where the offer is refused the officer concerned, shall be liable or as the case may be, continue to be liable to pay damages as provided in sub-rule (4) from the date of communication of such refusal.

(6) Where, after a Government residence has been allotted to an officer, he or any other member of his family constructs a house or otherwise becomes the owner of the house, such officer—

- (a) shall notify the fact to the Allotting Authority within a period of four weeks from the date on which he or such member becomes owner of the house;
- (b) shall be ineligible for retention of Government residence and surrender the Government residence in his occupation within six weeks from the said date.

EXPLANATION : For the purposes of clause (a) and (b), a person shall be deemed to become the owner of a house, in the case of a newly constructed house, as from the date the local body concerned gives a certificate of completion or the date of actual occupation of the house, whichever is earlier.

(7) The provisions of sub-rules (4) and (5) shall apply to any officer referred to in sub-rule (6) as they apply in relation to an officer referred to in sub-rule (3)

(8) Notwithstanding anything contained in this rule, Government may allot a residence to an officer or if he is in occupation of such residence allow its retention, on payment of licence fee under F.R. 45-A or on rent free basis, as the case may be, in specific cases of hardship or in the public interest.

S.R. 317-AN-4-Classification of residences :—Save as otherwise provided by these rules, an officer shall be eligible for allotment of a residence of the type shown in the Table below :—

TABLE

Type of Monthly emoluments of officer on the first day of residence the Allotment Year in which the allotment is made.

I Upto Rs.259/- Per month

II Less than Rs.499/- but not less than Rs.260/- per month

III Less than Rs.999/- but not less than Rs.500/- per month

IV Less than Rs.1499/-but not less than Rs.1000/-per month

V Rs. 1500/- and above per month.

S.R. 317-A.N.-5-Allotment to husband and wife, eligibility in cases of officers who are married to each other :—(1) No officer shall be allotted a residence under these rules if the wife or the husband, as the case may be, of the officer has already been allotted a residence, unless such residence is surrendered :

Provided that this sub-rule shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.

(2) Where two officers in occupation of separate residence allotted under these rules marry each other, they shall, within one month of the marriage, surrender one of the residence.

(3) If a residence is not surrendered, as required by sub-rule (2), the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residence are of the same type, the allotment of such one of them, as the Allotting Authority may decide, shall be deemed to have been cancelled on the expiry of such period.

(4) Where both husband and wife are employed under the Central Bureau of Investigation the title of each of them to allotment of a residence under these rules shall be considered independantly.

S.R. 317-A.N. 6-Application for allotment and maintenance of separate sub-pools for executive officers and other staff :—(1) Every officer in occupation of Central Bureau of Investigation accommodation shall submit annual application in Form II, by such date as may be specified by the Allotting Authority concerned in this behalf.

(2) In the case of officers not in occupation of Central Bureau of Investigation accommodation, the allotting Authority shall invite applications in Form I and by such date as may be specified by him.

(3) An officer joining duty on a Duty Station on first appointment or on transfer may submit his application to the Allotting Authority within the one month of his joining duty at that Station.

(4) Applications received under sub-rule (3) on or before the 20th day of a calendar month shall alone be considered for allotment in the succeeding month.

(5) Two separate sub-pools one each (i) for executive officers and (ii) for other Staff shall be maintained for the purpose of allotment of residences. Separate waiting lists for the purpose of allotment shall also be maintained for these

sub-pools. The Executive Officers shall be allotted residences from out of the sub pool for the executive officers only. Officers other than the executive officers, shall be allotted residences from out of the sub pool for other staff.

SR 317 A N 7—Allotment of residence and offers—
(1) Save as otherwise provided in these rules, a residence, on falling vacant, shall be allotted by the Allotting Authority preferably to an applicant desiring a change of accommodation in that type, under the provisions of SR 317 A N 15 and if not required for that purpose to an applicant without accommodation in that type having the earliest priority date for that type of residence in the following manners, namely—

- (i) (a) Allotting Authority shall fix the number of residences at each place which shall be earmarked for allotment to Deputy Inspector General of Police, and/or the Superintendent of Police, Central Bureau of Investigation and notwithstanding anything contained in these rules officers of these two ranks shall be allotted only the residence so earmarked,
- (b) the remaining residences of all types at any place shall be divided into the aforementioned two sub pools for the executive officers and other Staff. The number of residences in each sub pools shall, as far as possible be determined on the basis of the respective sanctioned strength of the executive officers and other staff posted at that place,
- (ii) the Allotting Authority shall not allot a residence of a type higher than to what the applicant is eligible under SR 317 A N 4;
- (iii) the Allotting Authority shall not compel any applicant to accept a residence of a lower type than that to what he is eligible under S R 317-A N 4,
- (iv) the Allotting Authority on request from an applicant for allotment of a lower type of residence, might allot to him a residence next below the type to which the applicant is eligible under SR 317-A N-4 on the basis of the priority date for the same.

(2) The Allotting Authority may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation of the officer, if the residence in occupation of the officer is required to be vacated.

(3) A vacant residence may, in addition to allotment to an officer under sub rule (1), be offered simultaneously to other eligible officers in order to their priority dates.

SR 317-A N 8—Out of turn allotment—Notwithstanding with the provisions of S R 317-A N 7 allotment of a residence may be made by Allotting Authority on out-of-turn basis to an officer on grounds of serious illness of self or a member of his family, in consultation, if considered necessary, with the prescribed medical authority or in other special cases with the approval of the Head of the Department. The priority for allotment in such cases shall be the date on which the application of the officer for out-of turn allotment is received in the respective office.

SR 317 A N 9—Non-acceptance of allotment or offer or failure to occupy the allotted residence after acceptance—
(1) If any officer fails to accept the allotment of a residence within five days or fails to take possession of that residence after acceptance within eight days from the date of receipt of the letter of allotment he shall not be eligible for another allotment for a period of one year from the date of the allotment letter.

(2) If an officer occupying a lower type residence is allotted or offered a residence of the type for which he is eligible under S R 317-A N 4 or for which he has applied under S R 317-A N 7(iv) he may, on refusal of the said allotment or offer of allotment, be permitted to continue in the previously allotted residence on the following conditions, namely—

- (i) that such an officer shall not be eligible for another allotment for a period of six months from the date

of the allotment letter for the higher type accommodation,

- (ii) while retaining the existing residence he shall be charged the same licence fee which he would have had to pay under rule 45-A of the Fundamental Rules, in respect of the residence so allotted or offered or the licence fee payable in respect of the residence already in his occupation, whichever is higher.

SR 317 A N 10—Drawal of house rent allowance in special cases—(1) When a Government servant intimate the Allotting Authority that he is not interested in the allotment of the Central Bureau of Investigation accommodation before an offer of allotment is made, house rent allowance may be allowed under specific orders of the Head of the office, if there are other similar eligible officers willing to accept the allotment. If the allotment is refused after formal offer, house rent allowance may be restored if otherwise eligible, after six months from the date of allotment provided other similarly qualified officers have accepted the accommodation and no accommodation is available for further allotment.

(2) Notwithstanding anything contained in sub-rule (1), in Delhi, Calcutta, Bombay and Madras, house rent allowance may be allowed under specific orders of the Head of the Department even in case of refusal of allotment, provided no accommodation remains vacant. In case of doubt, the matter may be referred to the Government who shall decide the same.

SR 317-A N 11—Period for which allotment subsists and the concessional period for further retention—(1) An allotment shall be effective from the date on which it is accepted by the officer and shall continue in force until—

- (a) the expiry of the concessional period permissible under sub-rule (2), after the officer ceases to be on duty,
- (b) it is cancelled by the Allotting Authority or is deemed to have been cancelled under any of the provisions of these rules;
- (c) it is surrendered by the officer, or
- (d) the officer ceases to occupy the residence.

(2) A residence allotted to an officer may, subject to sub-rule (3), be retained on the happening of any of the events specified in column (1) of the Table below for the period specified in the corresponding entry in column (2) thereof, provided that the residences is required for the bona fide residential use of the officer or members of his family—

TABLE

| Events | Permissible period for retention of the residence |
|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| (i) Resignation, dismissal or removal from service, termination of service or unauthorised absence without permission | One month |
| (ii) Retirement or terminal leave; | Two months. |
| (iii) Death of the allottee | Four months. |
| (iv) Transfer to a place outside the Station of Duty | Two months |
| (v) Transfer to an office other than the Central Bureau of Investigation at the same Station | Two months Two months |
| (vi) On proceeding on foreign service in India | Two months |
| (vii) Temporary transfer in India of transfer to a place outside India | Four months. |

| 1 | 2 | 3 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|---|
| (viii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, medical leave or study leave) | For the period of leave but not exceeding four months. | |
| (ix) Leave preparatory to retirement or refused leave granted under rule 86 of the Fundamental Rules of Earned leave granted to Government servants who retire under rule 56 (j) of the Fundamental Rules. | For the full period of leave on full average pay subject to a maximum of 4 months inclusive of the period permissible in the case of retirement. | |
| (x) Study leave or deputation outside India. | For the period of leave but not exceeding six months. | |
| (xi) Study leave in India. | For the period of leave but not exceeding six months. | |
| (xii) Leave on Medical grounds. | Full period of leave. | |
| (xiii) On proceeding on training. | For full period of training. | |

Explanation :—I : Where an officer on transfer of foreign service in India is sanctioned leave and avails of it before joining duty at the new office, he may be permitted to retain the residence for the period mentioned against items (iv), (v), (vi) or (vii) or for the period of leave, whichever is more.

Explanation-II : Where an order of transfer or foreign service in India is issued to an officer while he is already on leave, the period permissible under Explanation-I shall count from the date of issue of such order.

(3) Where a residence is retained under sub-rule (2), the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof the officer resumes his duty in a Central Bureau of Investigation office at his Duty Station where the residence is located.

(4) Where an officer is on medical leave without pay and allowances, he may retain his residence by virtue of the concession under item (xii) of the Table below sub-rule (2) provided he remits the licence fee for such residence in cash every month and where he fails to remit such licence fee for more than two months, the allotment shall stand cancelled.

(5) An officer who has retained the residence by virtue of the concession under item (i) or item (ii) of the Table below sub-rule (2) shall, on re-employment in a Central Bureau of Investigation office on the Duty Station within the period specified in the said Table, be entitled to retain that residence and he shall also be eligible for any further allotment of residence under these rules :

Provided that if the emoluments of the officer on such re-employment do not entitle him to the type of residence occupied by him, he shall be allotted a lower type of residence.

(6) Notwithstanding anything contained in sub-rule (2) or sub-rule (3) or sub-rule (4), when an officer is dismissed or removed from service or when his services have been terminated and the Head of the Department is satisfied that it is necessary or expedient in the public interest so to do, he may require the Allotting Authority to cancel the allotment of residence made to such officer either forthwith or with effect from such date prior to the expiry of the period of one month referred to in item (i) of the Table below sub-rule (2) as he may specify and the Allotting Authority shall act accordingly.

S.R. 317-A.N. 12—Provisions relating to licence fee.—(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for licence fee shall

commence from the date of occupation or from the eighth day from the date of receipt of the allotment, whichever is earlier. An officer who, after acceptance, fails to take possession of that accommodation within eight days from the date of receipt of the allotment letter, shall be charged licence fee from such date up to a period of one month or up to the date of re-allotment of that particular accommodation, whichever is earlier.

(2) Where an officer, who is in occupation of a residence, is allotted another residence and he occupies the new residence, the allotment of the former residence shall be deemed to be cancelled from the date of occupation of the new residence. He may, however, retain the former residence without payment of licence fee for that day and the subsequent day for shifting.

S.R. 317-A.N. 13—Personal liability of the officer for payment of licence fee till the residence is vacated and furnishing of surety by temporary officers.—(1) The officer to whom a residence has been allotted, shall be personally liable for the licence fee thereof and for any damage, beyond fair wear and tear, caused thereto or to the furniture, fixtures or fittings or services provided therein by Government during the period for which the residence has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions in these rules, until the residence alongwith the out-houses, appurtenant thereto have been vacated and full vacant possession thereof has been restored to the Central Bureau of Investigation.

(2) Where the officer to whom a residence has been allotted is neither a permanent nor a quasi-permanent Government servant, he shall execute a security bond in Form III with a surety who shall be a permanent Government servant serving under the Central Bureau of Investigation for due payment of licence fee and other charges due from him in respect of such residence and services and any other residence provided in lieu thereof.

(3) If the surety ceases to be in the service of the Central Bureau of Investigation or becomes insolvent or withdraws his guarantee or ceases to be available for any other reasons, the officer shall furnish a fresh bond executed by another surety within thirty days from the date of his acquiring knowledge of such event or fact; and if he fails to do so, the allotment of the residence to him shall, unless otherwise decided by the Allotting Authority, be deemed to have been cancelled with effect from that date or that event.

S.R. 317-A.N. 14—Surrender of an allotment and period of notice.—(1) An officer may at any time surrender an allotment by giving intimation so as to reach the Allotting Authority at least 10 days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the day on which the letter is received by the Allotting Authority or the date specified in the letter, whichever is later. If he fails to give due notice, he shall be responsible for payment of licence fee for ten days or the number of days by which the notice given by him falls short of ten days, provided that the Allotting Authority may accept a notice for a shorter period, if it is satisfied that the prescribed notice could not be given owing to circumstances beyond the control of the allottee.

(2) An officer who surrenders the residence under sub-rule (1) shall not be considered again for allotment of Central Bureau of Investigation accommodation at the same station for a period of one year from the date of such surrender.

S.R. 317-A.N. 15—Change of residence.—(1) An officer to whom a residence has been allotted under these rules may apply in Form IV for a change to another residence of the same type or a residence of the type to which he is eligible under S.R. 317-A.N. 4, whichever is lower, not more than one change shall be allowed in respect of one type of residence allotted to the officer.

(2) All applications for change made in the Form prescribed and received before the 20th day of a calendar month shall be included in the waiting list in the succeeding month. For purposes of this rule the officers whose names are included in the waiting list in an earlier month shall be senior

en-block to those whose names are included in the waiting list in the subsequent months. The inter se seniority of the officers included in the list in any particular month shall be determined in order of their priority dates.

(3) Change shall be offered in order of seniority determined in accordance with sub-rule (2) and having regard to the officers' preferences as far as possible.

(4) If an officer fails to accept a change of residence offered to him within five days of the issue of such offer or allotment, he shall not be considered again for change of residence of that type.

(5) An officer who, after accepting a change of residence fails to take possession of the same, shall be charged licence fee for such residence in accordance with the provisions of sub-rule (1) of SR 317-A N 12 in addition to the normal licence fee under rule 45-A of the Fundamental Rules for the residence already in his possession, the allotment of which shall continue to subsist.

SR 317-A N 16—Change of residence in the event of death of a member of the family—Notwithstanding anything contained in SR 317-A N 15, an officer may be allowed a change of residence on the death of any member of his family, if he applies for a change within three months of such occurrence, provided that the change shall be given in the same type of residence and on the same floor as the residence already allotted to the officer.

SR 317-A N 17—Mutual exchange of residences—Officers to whom residences of the same type have been allotted under these rules may apply for permission to mutually exchange their residences. Permission for mutual exchange may be granted if both the officers are reasonably expected to be on duty at the same station and to reside in their mutually exchanged residences for at least six months from the date of approval of such exchange.

SR 317-A N 18—Maintenance of residence—The officer to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Allotting Authority and the local Municipal authorities. Such officer shall not grow any tree, shrubs or plants contrary to the instructions issued by the Central Bureau of Investigation nor cut or lop off any existing tree or shrub in any garden, courtyard or compound attached to the residences save with the prior permission of the Central Bureau of Investigation in writing. Trees, plantation or vegetation, grown in contravention of this rule may be caused to be removed by the Central Bureau of Investigation or the local Municipal Authorities at the risk and cost of the officer concerned.

SR 317-A N 19—Subletting and sharing of residences—(1) No officer shall share the residence allotted to him or any of the servants quarters, out-houses, garages and stables appurtenant thereto except with an employee of the Central Bureau of Investigation eligible for allotment of residence under these rules. The servant quarters, out-houses, garages and stables may be used only for bona-fide purposes including residence of the servants of the allottee or for such other purposes as may be permitted by the Allotting Authority.

(2) No officer shall sublet the whole of his residence. Provided that an officer proceeding on leave may accommodate in the residence any other officer eligible to share the Central Bureau of Investigation accommodation, as a caretaker, for the period specified in SR 317-A N 10(2), but not exceeding six months.

(3) Any officer who shares or sublets his residence shall do so at his own risk and responsibility and shall remain personally responsible for any licence fee payable in respect of the residence and for any damage caused to the residence or its precincts or grounds or services provided therein by the Government beyond fair wear and tear.

(4) The officers entitled to rent free accommodation shall, however, not be allowed to sub-let or share the residence with any other Central Bureau of Investigation employees unless the prior approval of the Allotting Authority is obtained for doing so. Such an officer shall also have to

furnish an undertaking that he shall not charge any licence fee from the share.

SR 317-A N 20—Consequences of breach of rules and conditions—(1) If an officer to whom a residence has been allotted unauthorisedly sublets the residence or charges licence fee from the sharer at a rate which the Allotting Authority considers excessive or erects any unauthorised structure in any part of the residence or uses the residence or any portion thereof for any purpose other than that for which it is meant or tampers with the electric or water connections or commits any other breach of the rules or of the terms and conditions of the allotment, or uses the residence or premises or permits or suffers the residence or premises to be used for any purpose which the Allotting Authority considers to be improper or conducts himself in a manner which in its opinion is prejudicial to the maintenance of harmonious relations with his neighbours or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment, the Allotting Authority may, without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the residence.

EXPLANATION—In this sub-rule, the expression 'Officer' includes, unless the context otherwise requires, a member of his family and any person claiming through the officer.

(2) If an officer sub-lets a residence allotted to him or any portion thereof or any of the servant quarters, out-houses, garages or stables appurtenant thereto, in contravention of these rules, he may, without prejudice to any other action that may be taken against him, be charged enhanced licence fee not exceeding four times the standard licence fee under rule 45-A of the Fundamental Rules. The quantum of licence fee to be recovered and the period for which the same may be recovered in each case shall be decided by the Allotting Authority on merits. In addition the officer may be debarred from sharing the residence for a specified period in future, as may be decided by the Allotting Authority.

(3) Where action to cancel the allotment is taken on account of unauthorised subletting of the premises by the allottee, a period of sixty days shall be allowed to the allottee and any other person residing with him to vacate the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or expiry of the period of sixty days from the date of the order for the cancellation of the allotment whichever is earlier.

(4) Where the allotment of a residence is cancelled for a conduct prejudicial to the maintenance of harmonious relations with neighbours, the officer at the discretion of the Allotting Authority may be allotted another residence in the same type at any other place.

(5) The Allotting Authority shall be competent to take all or any action under sub-rules (1) to (4) of this rule and also to declare the officer, who commits a breach of rules and instructions issued to him to be ineligible for residential accommodation for period not exceeding three years.

SR 317-A N 21—Overstay in residence after cancellation of allotment—Where, after an allotment has been cancelled or is deemed to be cancelled under any of the provisions contained in these rules the residence remains or has remained in occupation of the officer to whom it was allotted or of any person claiming through him, such officer shall be liable to pay damages for use and occupation of residence, services, furniture and garden charges equal to the market licence fee as may be determined by the Government from time to time.

Provided that an officer, in special cases, may be allowed by the Allotting Authority to retain a residence on payment of twice the standard licence fee under FR 45-A for a period not exceeding six months beyond the period permitted under SR 317-A N 11(2).

SR 317-A N 22—Continuance of allotment made prior to the issue of these rules—Any valid allotment of a residence which is subsisting immediately before the commencement of these rules shall be deemed to be an allotment duly made under these rules notwithstanding that the officer to whom it has been made is not entitled to a residence of that type under SR 317-A N-4 and all the preceding provisions.

S.R. 317-A.N. 26—Recovery of licence fee.—The head of office shall ensure that recoveries on account of licence fee for the Central Bureau of Investigation residences are effected

regularly from the emoluments of the Government servants concerned in accordance with the provision of rule 45-A of the Fundamental Rules and Supplementary Rules made there-under and the receipts are credited to the appropriate revenue Head. No licence fee shall, however, be recovered from the staff entitled to rent free accommodation as a condition of service, provided that the residence occupied by them can be retained by them without payment of rent under normal rules.

Form IV

J. KHANNA, Dy. Secy.

Central Bureau of Investigation

Application for allotment of residence for the year 19

1. (a) (i) Name Shri/Shrimati/Kumari.....
(in block letters)
- (b) State full particulars of residence
- | | *Type | Exact location with full address. | Pool to which * it belongs. |
|-----------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------|-----------------------------|
| (i) allotted by Central Brueau of Investigation | | | |
| (ii) by any other Government Deptt. (also State the name of that Department) | | | |
| and | | | |
| (iii) by private arrangement | | | |
| * To be filled in respect of item b(i) only | | | |
| (c) (i) Present designation | (i) | | |
| (ii) Scale of Pay | (ii) | | |
| (d) State the 'Service' to which the officer belongs (i. e. whether under Central Govt./State Govt./I.C.S., I.A.S., I.P.S.) | | | |
| (e) Date since when continuously employed under the Central Government or State Govt (including the period of 'foreign' service). | | | |
| (f) Date since when continuously employed on a post under the Government of India at..... | | | |
| (g) If a tenure officer the date from which holding the post on tenure basis. | | | |
| (h) Whether belongs to Scheduled Caste/Scheduled Tribes (in case of officers entitled to types I and II only) | | | |
2. (a) Emoluments on the 1st January, whether on a post under the Central Govt./State Govt. including the period of 'foreign service' (City Compensatory Allowance is not to be included).

| Pay | Special Pay | Dearness Pay/Portion of Dearness Allowance treated as Pay with effect from 1-2-1969 | Deputation (Duty) Allowance | Pension in addition to pay, if any (See Foot Note No. 1) | Total | Date since when the emoluments in Col. 6 are being drawn |
|-----|-------------|-------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------|-------|----------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(b) Indicate the source from which emoluments are drawn, if not drawn from the Consolidated Funds of the Govt. of India (See Foot Note No. 1).

3. Type to which eligible (See Foot Note No. 3) and priority date therefor:

| For Officers entitled to Types I to IV | | | For Officers entitled to Type V to VIII | | |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------|
| Appropriate Type | Date since when continuously employed under the Central Govt. or State Govt. including the period of "Foreign service" | Type | (a) Appropriate Type. Date since when minimum emoluments prescribed for this type are continuously drawn on a post under Central Govt. or State Govt. including the period of foreign service | (b) Next below type (Only officers entitled to type V to VIII may complete this) | |
| | | Type | | Type | Date of entitlement |
| 1 | 2 | 3 | 4 | 5 | 6 |

4. Exact place of duty with postal address.

Exact location

Postal Address.

5. Does the applicant stand debarred for Government residence? If so, upto what date.

6. Is the applicant entitled to rent free accommodation?

7. State whether Permanent/Quasi-permanent/Temporary

Permanent

Quasi-permanent

Temporary

(Strike out whichever is not applicable).

DECLARATION

(1) The Department of Personnel and A.R. (Central Bureau of Investigation) Allotment of Residences Rules, 1976 have been read by me/read out to me and I declare that the particulars given by me above are correct and that the allotment to be made to me or already made to me shall be subject to these rules and subsequent amendment, if any thereto.

(2) I am occupying Bungalow/Flat/Quarter No.....Type.....for the continuance of the allotment of which I have already submitted application to the Administrative Officer,/Superintendent of Police, Central Bureau of Investigation, in the appropriate form.

(3) That the entry made in Column 5 is also correct.

(Strike of item 2 and 3 if not applicable).

Date

Signature

Office in which employed.

Note: An officer entitled to particular type of accommodation and if wishes to be considered for next below type of accommodation should submit two applications.

Foot Notes

PENSION: Should include the portion of pension equivalent to D.C.R. gratuity and the portion of pension commuted, if any. This applies to re-employed Government Servants only.

2. CONSOLIDATED FUNDS OF THE GOVERNMENT OF INDIA means all revenues received by the Government of India, all moneys raised by loans and the money received in repayment of loans.

3. Entitlement Type:

| Range of monthly emoluments | I upto Rs. 259. | II Rs. 260 to below Rs. 499. | III Rs. 500 to below Rs. 999. | IV Rs. 1000 to below Rs. 1499. | V Rs. 1500 or above. |
|-----------------------------|--------------------|------------------------------------|-------------------------------------|--------------------------------------|-------------------------|
|-----------------------------|--------------------|------------------------------------|-------------------------------------|--------------------------------------|-------------------------|

FORM II

[See rule 317 An—6(1)]

D.E. 2(a)

LIEN HOLDERS

GOVERNMENT OF INDIA

Central Bureau of Investigation

[Application by officers who are in occupation of Government residence for continuance of the allotment]

Application for the continuance of allotment of Type residence in for the year

A. 1. Name:

2. Designation:

3. Whether Permanent/Quasi-Permanent/Temporary.

(a) Permanent

(h) Quasi Permanent. (c) Temporary

1. Name of surety.

2. Designation.

3. His likely date of retirement.

4. Office in which employed.

4. Particulars of office

5. Full address of the place of duty.

6. Full particulars of Govt. residence occupied.

Quarter/Flat/
Bungalow No.

Locality

Pool to which it belong.

B. (1) Emoluments on 1st January,

| Pay | Spl. Pay | Dearness pay/ Portion of Dear- ness Allowance treated as pay with effect from 1-2-1969 | Deputation (Duty) Allowance | Pension in addition to pay, if any | Total | Date since when the emoluments in Col. 6 are being drawn |
|-----|----------|-------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------|-------|----------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(2) Ty

C. Source from which pay is drawn:

(a) From the consolidated Fund of India.

(b) Exact source if pay is not drawn from the Consolidated Fund of India.

D. Is the officer entitled to rent free accommodation ?

DECLARATION

1. Certified that the particulars given above are correct and that I have read the Department of Personnel and Administrative Reforms, Central Bureau of Investigation Allotment of Residences Rules, 1976 and that my present allotment is subject to these rules and subsequent amendments if any, made from time to time.

2. I am entitled to rent free accommodation. (strike off if not applicable).

3. (i) I am not interested in allotment of residential accommodation of my entitlement and am therefore not submitting a separate application for allotment of accommodation of my entitled type.
 (ii) I am interested in allotment of residential accommodation of my entitled type for which separate application has been submitted by me.

I have read the orders regarding penalties to be imposed in the event of refusal of accommodation of entitled type when the same is allotted by the Central Bureau of Investigation.

NOTE: Strike out what is not required.

Date.....

Signature of the applicant
Office in which employed.

(For use in the Central Bureau of Investigation, Allotment branch).

No.

Date:

Forwarded to the Director of Estates, New Delhi.

Tel. No.

Signature

Designation:

Name of Office

(For use in the Allotment Branch, Directorate of Estates)

(a) Lien checked

(b) Surety checked.

(c) Entries made in the Building Register : item Vol.....

Signature of the clerk with date.

Signature of Asstt. Director

(For use in the Licence Fee Section)
with year

(i) Licence fee Card No.

Signature of the clerk with date

Signature of Accountant/Supdt.

FOOT NOTE

1. Pay limits for various types of accommodation:

| Range of monthly Emoluments | I | II | III | IV | V |
|-----------------------------|------------------|----------------------------|---------------------------|-----------------------------|---------------------|
| | Below Rs. 259/-, | Rs. 260 to below Rs. 499/- | Rs. 500 to below Rs. 999. | Rs. 1000 to below Rs. 1499. | Rs. 1500 and above. |

2. In the case of Types I to IV the entire length of service under the Central /State Government counts for priority date. In the case of Types V to VII, priority date counts from the earlier date from which the officer is continuously drawing the minimum of the pay range under the Central/State Government.
3. In the case of Type VIII, date from which officers are holding the post of Secretary/Additional Secretary or posts of equivalent ranks.

FORM III SECURITY BOND

I, Shri.....son of Shri..... at present employed as.....in thedo hereby at the request of Shri.....stand surety (which expression shall include my heirs, executors and administrators) to the President of India (hereinafter called "the Government" which expression includes his assignees) for payment by Shri..... at present employed as..... atof licence fee and other dues in respect of the residence now allotted to him by Government also for any residence additional accommodation extra servant quarter or garages that may be allotted to him from time to time by the Government.

I, the surety, shall indemnify and keep indemnified the Government against all loss and damage until delivery of vacant possession of the same is made to the Government, I, the surety hereby undertake to pay to the Government forthwith on demand by the Government and without any demur all such sums as may be due to the Government as aforesaid and I hereby agree that the Government shall bear liberty (and is hereby irrevocably authorised to do so) to recover the said sums from the salary payable to me and the decision of the Government as to the amount so to be recovered and my liability to pay the same shall be final and binding on me.

The above obligations undertaken by me shall not be discharged or in any way affected by an extension of time or any other indulgence granted by the Government to the said Shri (name of the allottee).....or by any other matter or thing whatever, which under the rules, law relating to sureties would but for this provisions have the effect of so releasing me from such liability. This guarantee shall not be revokable at any time or discharged by my death so long as the said Shri (name of the allottee)....continues to be in occupation of any such residence servants quarters and/or garage.

The Government have agreed to bear the stamp duty, if any, for this documents.

Signed and delivered by the saidat the date of

Signature.....

Address and occupation of witness

Signature of Surety

Designation:

Office to which attached.....

Certified that the above surety is a permanent Government servant. He is years of age and his pay is Rs..... per month.

Signature of the Head of the Department
of the Office in which the surety is employed.

FORM IV

[See rule 317-AN-15]

GOVERNMENT OF INDIA
Central Bureau of Investigation

(Application form for change of accommodation under SR 317—A N.—15)

- 1 Name _____ 2 Present Designation _____
- 3 (a) Emoluments as on 1-1-19 Rs. _____ w e f _____
(b) Entitled type _____ and date of priority thereof _____
- 4 Particulars of accommodation presently occupied —
(a) Type of residence _____
(b) Address _____
(c) Date of priority for the type _____
- 5 Particulars of change desired —
(a) Road, Colony or Locality to which change is desired _____
(b) Floor _____
(c) Design of construction _____

DECLARATION

I declare that I have not been given a change of residence in the type of accommodation occupied by me under SR 317—AN—4 and that this is the first application, for such a change

Signature _____

Central Bureau of Investigation Department of personnel and Administrative Reforms"

Date

नई दिल्ली, 5 जनवरी, 1977

भारत निर्वाचन आयोग

नई दिल्ली, 5 जनवरी, 1977

का० आ० 215.—केन्द्रीय सरकार, विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 3 के खण्ड (ड) के साथ पठित धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंधों को प्रवृत्त करने के प्रयोजनार्थ श्री आर० सा० गुप्ता का प्रवर्तन अधिकारी नियुक्त करती है जिनका पदाभिधान विशेष प्रवर्तन निदेशक होगा, और उक्त अधिनियम की धारा 50 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उन्हें तद्धीन बनाए गए किसी नियम, निदेश या आदेश या उसके उपबंधों [धारा 13 धारा 18 की उपधारा (1) के खण्ड (क) और धारा 19 की उपधारा (1) के खण्ड (क) से निम्न] के किसी उल्लंघन के मामला का अधिनियमित करने के लिए सशक्त करती है।

[संख्या 19/7/76-ए० बी० डी० (4)]

टी० के० सुब्रह्मण्यम, प्रवर सचिव

New Delhi, the 5th January, 1977

S.O. 215—In exercise of the powers conferred by sub-section (1) of Section 4, read with clause (e) of section 3 of the Foreign Exchange Regulation Act, 1973 (46 of 1973), the Central Government hereby appoints Shri R. C. Gupta, to be an officer of Enforcement, with the designation of special Director of Enforcement for the purpose of enforcing the provisions of the said Act, and in exercise of the powers conferred by section 50 of the said Act hereby empowers him to adjudicate cases of contravention of any of the provisions thereof [other than section 13 clause (a) of sub-section (1) of section 18 and clause (a) of sub-section (1) of section 19] or of any rule, direction or order made thereunder

[No 19/7/76-AVD (IV)]

T. K. SUBRAMANIAN, Under Secy

का० आ० 216.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग, महाराष्ट्र सरकार के परामर्श से श्री एच० नजुन्दिया के स्थान पर श्री एम० सुब्रह्मण्यम, आई० ए० एस०, सचिव, महाराष्ट्र सरकार, उद्योग ऊर्जा तथा श्रम विभाग, को उनके कार्य भार ग्रहण करने की तारीख से अगले आदेशों तक महाराष्ट्र राज्य के लिये मुख्य निर्वाचन अधिकार के रूप में एतद्द्वारा नामनिर्दिष्ट करता है।

[सं० 154/महाराष्ट्र/76]

प्र० कु० मिश्र, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 5th January, 1977

S.O. 216—In exercise of the powers conferred by sub-section (1) of Section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Maharashtra, hereby nominates Shri M. Subramanian, I.A.S., Secretary to the Government of Maharashtra, Industries, Energy and Labour Department, as the Chief Electoral officer for the State of Maharashtra with effect from the date he takes over charge and until further orders vice Shri H. Nanjundiah

[No 154/MT/76]

P. K. MISRA, Secy

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधायी विभाग)

नई दिल्ली, 4 जनवरी, 1977

का० भा० 217.—केन्द्रीय सरकार, दुरगाह खवाजा साहेब अधिनियम, 1955 (1955 का 36) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के विधि, न्याय और कम्पनी कार्य (विधायी विभाग) मंत्रालय की अधिसूचना सं० फ० 11/6/74-वक्फ, तारीख, 14 जनवरी, 1976 के अनुक्रम में, दुरगाह समिति, अजमेर के परामर्श में श्री महमूद अली खान, मेवा निवृत्त उप-कलेक्टर, उत्तर प्रदेश की 22 जनवरी, 1977 को और उससे आगे एक वर्ष की अवधि के लिए नाज़िम दुरगाह खवाजा साहेब, अजमेर के रूप में नियुक्त करती है।

[फ० सं० 11/6/74-वक्फ]

सी० एस० भाष्यम, अपर विधायी काउन्सेल

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 4th January, 1977

S.O. 217.—In exercise of the powers conferred by sub-section (1) of section 9 of the Durgah Khawaja Sahab Act, 1955 (36 of 1955), and in continuation of the notification of the Government of India in the Ministry of Law, Justice & Company Affairs (Legislative Department) F. No. 11/6/74-Wakf, dated the 14th January, 1976, the Central Government in consultation with the Durgah Committee, Ajmer, hereby appoints Shri Mahmood Ali Khan, Retired Deputy Collector, Uttar Pradesh, as Nazim, Durgah Khawaja Sahab, Ajmer, for a further period of one year with effect on and from the 22nd January, 1977.

[F. No. 11/6/74-Wakf]

V. S. BHASHYAM, Additional Legislative Counsel.

वित्त मंत्रालय

(राजस्व और बैंकिंग विभाग)

(राजस्व पक्ष)

आयकर

नई दिल्ली, 30 दिसम्बर, 1976

का० भा० 218.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, आयुक्त सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने जी० टी० अस्पताल अनुसंधान सोसाइटी, मुम्बई को आकर अधिनियम, 1961 की धारा, 35 की उपधारा (1) के खण्ड (ग) के प्रयोजनों के लिए निम्नलिखित शर्तों पर केवल चिकित्सा विज्ञान के क्षेत्र में अनुसंधान के प्रयोजनों के लिए अनुमोदित किया है. अर्थात्:—

- यह कि उक्त संस्था चिकित्सा विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पुथक से रखेगा और परिषद् को वार्षिक विवरणी प्रस्तुत करेगा।
- उक्त सोसाइटी अपने वैज्ञानिक अनुसंधान सम्बन्धी क्रिया कलापों की एक वार्षिक विवरणी विहित प्राधिकारी को ऐसे प्रारूपों में और ऐसे समय प्रस्तुत करेगा जो परिषद् द्वारा विहित किए जाएंगे।

संस्था

जी० टी० अस्पताल अनुसंधान सोसाइटी, मुम्बई।

यह अधिसूचना अधिसूचित होने की तारीख से दो वर्ष के लिए प्रभावी रहेगी।

[ग० 1543 (फ० सं० 203/42/76-आई० टी० ए० II)]
टी० पी० ज़ुनज़ुनवाला, निदेशक

MINISTRY OF FINANCE

(Department of Revenue & Banking)

(Revenue Wing)

INCOME-TAX

New Delhi, the 30th October, 1976

S.O. 218.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, for research purposes only in the field of medical sciences, subject to the following conditions:

- that the G. T. Hospital Research Society, Bombay will maintain a separate account of the sums received by it for scientific research in the field of medical sciences and submit yearly returns to the Council.
- that the said Society will furnish the annual report on its Scientific Research Activities to the prescribed authority in the manner as and when required by the Council.

INSTITUTION

G.T. Hospital Research Society, Bombay.

This notification is effective for a period of two years from the date of this notification.

[No. 1543 (F. No. 203/42/76-I.T.A.II)]

T. P. JHUNJHUNWALA, Director.

(बैंकिंग पक्ष)

नई दिल्ली, 30 दिसम्बर, 1976

का० भा० 219.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 34 के साथ पठित धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन० द्वारा भारत सरकार के राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष) की भोजपुर-रोहतास ग्रामीण बैंक, आर्रा, के अध्यक्ष श्री पी० के० जैन की नियुक्ति विषयक दिनांक 2 जुलाई, 1976 की अधिसूचना सं० एफ 1-70/75-ए सी में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना के "31 दिसम्बर, 1976" के अंकों, अक्षरों और शब्दों के स्थान पर "30 जून, 1977" के अंक, अक्षर और शब्द प्रतिस्थापित किये जायेंगे।

[सं० एफ० 4-70/75-ए सी]

(Banking Wing)

New Delhi, the 30th December, 1976

S.O. 219.—In exercise of the powers conferred by section 11, read with section 34, of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendments in the notification of the Government of India in the Department of Revenue & Banking (Banking Wing) No.F. 64-70/75-AC dated the 2nd July, 1976 relating to the appointment of Shri P. K. Jain as the Chairman of the Bhojpur Rohtas Gramin Bank, Arrah, namely:

In the said notification, for the figures, letters and word "31st December, 1976", the figures, letters and word "30th June, 1977" shall be substituted.

[No. F. 4-70/75-AC]

का० आ० 220.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 34 के साथ पठित धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष) की तृणभद्रा ग्रामीण बैंक, बेलागी, के अध्यक्ष श्री बी० ए० प्रभु की नियुक्ति विषयक दिनांक 2 जुलाई, 1976 की अधिसूचना सं० एफ 4-73/75 ए० सी० में निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना के "31 दिसम्बर, 1976" के श्रको, श्रक्षरों और शब्द के स्थान पर "30 जून, 1977" श्रंक, श्रक्षर और शब्द प्रतिस्थापित किये जायेंगे।

[सं० एफ 4-73/75-ए० सी०]

S.O. 220.—In exercise of the powers conferred by section 11, read with section 34, of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendments in the notification of the Government of India in the Department of Revenue & Banking (Banking Wing) No. F. 4-73/75-AC, dated the 2nd July, 1976 relating to the appointment of Shri B. A. Prabhu as the Chairman of the Tungabhadra Gramin Bank, Bellary, namely :—

In the said notification, for the figures, letters and word "31st December, 1976" the figures, letters and word "30th June, 1977" shall be substituted.

[No. F. 4-73/75-AC]

का० आ० 221.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 34 के साथ पठित धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष), की, क्षेत्रीय ग्रामीण बैंक, होशंगाबाद के अध्यक्ष, श्री डी० एच० अम्बवानी की नियुक्ति विषयक दिनांक 2 जुलाई, 1976 की अधिसूचना सं० एफ 4-74/75 ए० सी० में निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना के "31 दिसम्बर, 1976" के श्रको, श्रक्षरों और शब्द, के स्थान पर "30 जून, 1977" श्रंक, श्रक्षर और शब्द, प्रतिस्थापित किये जायेंगे।

[सं० एफ 4-74/75-ए० सी०]

S.O. 221.—In exercise of the powers conferred by section 11, read with section 34, of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendments in the notification of the Government of India in the Department of Revenue and Banking (Banking Wing) No. F. 4-74/75-AC, dated the 2nd July, 1976 relating to the appointment of Shri D. H. Ambwani as the Chairman of the Kshetriya Gramin Bank, Hoshangabad, namely :—

In the said notification, for the figures, letters and word "31st December, 1976", the figures, letters and word "30th June, 1977" shall be substituted.

[No. F. 4-74/75-AC]

का० आ० 222.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 34 के साथ पठित धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष) की प्राग्ज्योतिष गाओलिया बैंक नल-बाही, के अध्यक्ष, श्री गणेश चन्द्र कालिता की नियुक्ति विषयक दिनांक 6 जुलाई, 1976 की अधिसूचना सं० 4-79/75-ए० सी० (4) में निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना के "31 दिसम्बर, 1976" के श्रको, श्रक्षरों और शब्द के स्थान पर "30 जून, 1977" श्रंक, श्रक्षर और शब्द प्रतिस्थापित किये जायेंगे।

[सं० एफ-4-79/75-ए० सी०]

हर्षिकेश गुहा, अवसर सचिव

S.O. 222.—In exercise of the powers conferred by section 11, read with section 34, of the Regional Rural Banks Act, 1976, (21 of 1976), the Central Government hereby makes the following amendments in the notification of the Government of India in the Department of Revenue & Banking (Banking Wing) No. F. 4-79/75-AC(IV) dated the 6th July, 1976 relating to the appointment of Shri Ganesh Chandra Kalita as the Chairman of the prajyotish Gaonlia Bank, Nalbari, namely :—

In the said notification, for the figures, letters and word "31st December, 1976", the figures, letters and word "30th June, 1977" shall be substituted.

[No. F. 4-79/75-AC]

H. K. GUHA, Under Secy.

नई दिल्ली, 31 दिसम्बर, 1976

का० आ० 223.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खण्ड (क) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा श्री जे० सी० लथर का उनके कार्यभार सम्भालने की निधि से एक वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के उप-गवर्नर के रूप में नियुक्त करती है।

[सं० एफ० 7(2)/76 श्री-ओ-1]

एम० नरसिम्हम्, सचिव

New Delhi, the 31st December, 1976

S.O. 223.—In pursuance of clause (a) of sub-section (1) read with sub-section (4) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby appoints Shri J. C. Luther as a Deputy Governor of the Reserve Bank of India for a term of one year from the date of his taking charge.

[No. F. 7/2/76-BO 1]

M. NARASIMHAM, Secy

का० आ० 224.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उप-धारा (1) और (2) के उपबंध 31 मार्च, 1977 अथवा ट्रेंडर्स बैंक लिमिटेड के पूर्णकालिक अध्यक्ष की अगली नियुक्ति, दोनों में जो भी पहले हो, उस तारीख तक उस बैंक पर लागू नहीं होंगे।

[संख्या 15(19)-बी ओ III/76]

S.O. 224.—In exercise of powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10B of the said Act, shall not apply to the Traders' Bank Ltd., till the 31st March 1977 or till the next appointment of a whole-time Chairman of that bank, whichever is earlier.

[No. 15(19)-B.O. III/76]

का० आ० 225.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, नेशनल बैंक आफ पाकिस्तान, कश्मीर और हबीब बैंक लिमिटेड, बम्बई को दिनांक 19 दिसम्बर, 1976 के एम० ओ० 3949 में, उक्त अधिनियम की धारा 11 की उप-धारा (2) के उपबंधों से दी गई छूट को 31 दिसम्बर, 1977 तक की एक वर्ष की अवधि के लिए और बढ़ाती है।

[संख्या 15(33)-बी ओ III/76]

S.O. 225.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, extends for a further period of one year till the 31st December, 1977 the exemption granted in S.O. 3949 dated the 19th December, 1970 to the National Bank of Pakistan, Calcutta and the Habib Bank Ltd., Bombay from the provisions of sub-section (2) of section 11 of the said Act.

[No. 15(33)-B.O. III/76]

क्र० आ० 226.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध 18 नवम्बर, 1977 तक यूनाइटेड इंडस्ट्रियल बैंक लिमिटेड, कलकत्ता पर दो मजली पुरानी इमारतों अर्थात् 20, रिपन स्ट्रीट और 38, वेस्टन स्ट्रीट, कलकत्ता के सम्बन्ध में लागू नहीं होंगे।

[संख्या 15(34)-बी ओ III/76]

S.O. 226.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply till the 18th November, 1977 to the United Industrial Bank Ltd., Calcutta in respect of the two-storied old buildings such as at 20, Ripon Street and 38, Weston Street, Calcutta.

[No. 15(34)-B.O. III/76]

क्र० आ० 227.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उप-धारा (2) के उपबंध 8 नवम्बर, 1978 तक यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर उस सीमा

तक लागू नहीं होंगे जहां तक उनका संबंध मैमरी मेरी विन्डु टी कम्पनी लिमिटेड, जलपाइगुरी की शेयर-धरिता से है।

[संख्या 15(30)-बी ओ III/75]

मे० भा० उमगांवकर, अवर सचिव

S.O. 227.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the United Bank of India, Calcutta, up to the 8th September 1978 in so far as they relate to its holding in the shares of M/s. Merry View Tea Company Ltd., Jalpaiguri.

[No. 15(30)-B.O. III/75]

M. B. USGAONKAR, Under Secy.

नई दिल्ली, 4 जनवरी, 1977

क्र० आ० 228.—राष्ट्रीयकृत बैंक (प्रबन्ध और विविध उपबन्ध) योजना 1970 के खण्ड 3 के उपखण्ड (छ) के अनुसरण में, भारत सरकार डा० पी० डी० ओसा के स्थान पर रिजर्व बैंक आफ इंडिया, केन्द्रीय कार्यालय, बम्बई, के औद्योगिक वित्त विभाग के मुख्याधिकारी श्री एच० एल० आनंद को एतद्वारा इंडियन ओवरसीज बैंक के एक निदेशक के रूप में नियुक्त करती है।

[सं० एफ० 9/19/76-बी ओ I]

जे० सी० राय, निदेशक

New Delhi, the 4th January, 1977

S.O. 228.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri H. L. Anand, Chief Officer, Industrial Finance Department, Reserve Bank of India, Central Office, Bombay, as a Director of Indian Overseas Bank vice Dr. P. D. Ojha.

[No. F. 9/19/76-BO.I]

J. C. ROY, Director.

भारतीय रिजर्व बैंक**RESERVE BANK OF INDIA**

नई दिल्ली, 3 जनवरी, 1977

New Delhi, the 3rd January, 1977

क्र० आ० 229.—भारतीय रिजर्व बैंक अधिनियम, 1934 के अनुसरण में दिसम्बर, 1976 के दिनांक 17 को समाप्त हुए सप्ताह के लिए लेखा
S.O. 229.—An account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 17th day of Dec. 1976

इशू विभाग**ISSUE DEPARTMENT**

| देयताएं Liabilities | रुपये Rs. | रुपये Rs. | आस्तियां Assets | रुपये Rs. | रुपये Rs. |
|-----------------------------------------------------------------------|----------------|--------------|---------------------------------------------------------------------------------------------------|---------------|----------------|
| बैंकिंग विभाग में रखे कुल नोट Notes held in the Banking Department | 45,46,99,000 | | सोने का सिक्का और बुलियन :— Gold Coin and Bullion :— | | |
| संचालन में नोट Notes in circulation | 7319,60,39,000 | | (क) भारत में रखा हुआ (a) Held in India | 182,52,45,000 | |
| जारी किये गये कुल नोट Total notes issued | 7365,07,38,000 | | (ख) भारत के बाहर रखा हुआ (b) Held outside India | | |
| | | | विदेशी प्रतिभूतियां Foreign Securities | 921,73,97,000 | |
| | | | जोड़ Total | | 1104,26,42,000 |
| | | | रुपये का सिक्का Rupee Coin | | 15,39,12,000 |
| | | | भारत सरकार की रुपया प्रति- भूतियां Government of India Rupee Securities | | 6245,41,84,000 |
| | | | देशी विनिमय बिल और दूसरे वाणिज्य-पत्र Internal Bills of Exchange and other commercial paper | | .. |
| कुल देयताएं Total Liabilities | 7365,07,38,000 | | कुल आस्तियां Total Assets | | 7365,07,38,000 |

दिनांक 21 दिसम्बर, 1976.
Dated the 21st day of December, 1976.

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के० प्रार० पुरी, गवर्नर
K.R. PURI, Governor

17 दिसम्बर, 1976 को भारतीय रिज़र्व बैंक के बैंकिंग विभाग के कार्यकाल का विवरण
Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 17th December, 1976

| देयताएं Liabilities | रुपये Rs. | आस्थियां Assets | रुपये Rs. |
|-------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| चुक्रता पूंजी Capital Paid up | 5,00,00,000 | नोट Notes | 45,46,99,000 |
| आरक्षित निधि Reserve Fund | 150,00,00,000 | रुपये का सिक्का Rupee Coin | 5,15,000 |
| राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि National Agricultural Credit (Long Term Operations) Fund | 400,00,00,000 | छोटा सिक्का खरीदे और भुनाये गये बिल Small Coin Bills Purchased and Discounted :— | 3,67,000 |
| राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund | 145,00,00,000 | (क) देशी (a) Internal | 157,72,85,000 |
| राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि National Industrial Credit (Long Term Operations) Fund | 540,00,00,000 | (ख) विदेशी (b) External | .. |
| जमा राशियां :— Deposits :— | | (ग) सरकारी खजाना बिल (c) Government Treasury Bills | 243,20,80,000 |
| (क) सरकारी (a) Government | | विदेशों में रखा हुआ बकाया Balances Held Abroad | 1324,38,40,000 |
| (i) केन्द्रीय सरकार (i) Central Government | 114,73,11,000 | निवेश Investments | 93,89,03,000 |
| (ii) राज्य सरकारें (ii) State Governments | 12,50,31,000 | ऋण और अग्रिम :— Loans and Advances to :— | |
| (ख) बैंक (b) Banks | | (i) केन्द्रीय सरकार को (i) Central Government | .. |
| (i) अनुसूचित वाणिज्य बैंक (i) Scheduled Commercial Banks | 841,57,30,000 | (ii) राज्य सरकारों को (ii) State Governments | 102,20,15,000 |
| (ii) अनुसूचित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks | 24,56,22,000 | ऋण और अग्रिम :— Loans and Advances to :— | |
| (iii) गैर अनुसूचित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks | 1,87,78,000 | (i) अनुसूचित वाणिज्य बैंकों को (i) Scheduled Commercial Banks | 979,64,16,000 |
| (iv) अन्य बैंक (iv) Other Banks | 80,32,000 | (ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks | 343,69,53,000 |
| | | (iii) दूसरों को (iii) Others | 4,63,00,000 |
| | | राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund | |
| | | (क) ऋण और अग्रिम :— (a) Loans and Advances to :— | |
| | | (i) राज्य सरकारों को (i) State Governments | 75,50,16,000 |
| | | (ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks | 13,24,81,000 |
| | | (iii) केन्द्रीय भूमिबंधक बैंकों को (iii) Central Land Mortgage Banks | .. |
| | | (iv) कृषि पुनर्भित और विकास निगम को (iv) Agricultural Refinance & Develop- ment Corporation | 136,90,00,000 |
| | | (ख) केन्द्रीय भूमिबंधक बैंकों के डिबेंचरों में निवेश (b) Investment in Central Land Mortgage Bank Debentures | 9,04,16,000 |
| (ग) अन्य (c) Others | 1907,95,43,000 | | |

| वेयताए Liabilities | रुपये Rs. | आस्तिथी Assets | रुपये Rs. |
|----------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| देय बिल Bills Payable | 94,92,19,000 | राष्ट्रीय कृषि ऋण स्थिरीकरण (निधि से ऋण और अग्रिम) Loans and Advances from National Agricultural Credit (Stabilisation) Fund | |
| अन्य वेयताए Other Liabilities | 672,92,13,000 | राज्य सहकारी बैंकों को ऋण और अग्रिम Loans and Advances to State Co-operative Banks | 85,38,08,000 |
| | | राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund | |
| | | (क) विकास बैंक को ऋण और अग्रिम (a) Loans and Advances to the Development Bank | 478,47,56,000 |
| | | (ख) विकास बैंक द्वारा जारी किये गये बांडो/डिबेंचरो में निवेश (b) Investment in bonds/debentures issued by the Development Bank | — |
| | | अन्य आस्तिथी Other Assets | 818,43,29,000 |
| | रुपये Rupees | | रुपये Rupees |
| | 4911,91,79,000 | | 4911,91,79,000 |

दिनांक 21 दिसम्बर, 1976

Dated the 21st day of December, 1976

के० आर० पुरी, गवर्नर

K.R. PURI, Governor

[No. F. 10/1/76-B.O.I.]

ज० व० मीरचन्दानी, प्रवर सचिव

C.W. MIRCHANDANI, Under Secy.

कार्यालय कलक्टर, केन्द्रीय उत्पाद शुल्क, कोचीन

केन्द्रीय उत्पाद-शुल्क

कोचीन, 21 जुलाई, 1976

का०आ० 230.—केन्द्रीय उत्पाद-शुल्क नियम, 1944, के अधीन मुझे प्रदत्त शक्तियों का प्रयोग करते हुए, तथा कलक्टर अधिसूचना सं० 2,69, तारीख 13-2-69 को अधिकाृत करते हुए, मैं इससे उपाबद्ध उपबंध में उल्लिखित ऐसी प्रक्रिया विहित करना हूँ जिसका अनुगमन केन्द्रीय उत्पाद शुल्क नियम, 1944, जो कि भारत सरकार की अधिसूचना सं० 182, 69 सी० ई, तारीख 14 जुलाई, 1969, द्वारा प्रतिस्थापित किए गए हैं, के अध्याय 7क में उपवर्णिता 'स्वयं माल हटाने की प्रक्रिया', के अंतर्गत कार्य कर रहे प्रत्येक निर्याती द्वारा अपने कारखाने या भांडागार में ऐसे उत्पाद-शुल्क माल को, जिस पर शुल्क का संदाय किया गया है, नीचे लिखे अनुसार, उक्त नियम के उप-नियम (1) में उल्लिखित प्रयोजनों के लिए किया जाएगा और उक्त नियम के उप-नियम (2) के अधीन शुल्क का संदाय किए बिना उक्त कारखाने या भांडागार में ऐसे माल को तबतक हटाने के लिए किया जाएगा। परन्तु यह तब जब—

- (1) ऐसे माल को शुल्क के संदाय की तारीख से एक वर्ष के भीतर, या ऐसी प्रतिरिक्त अवधि या अवधियों के भीतर जो कलक्टर किसी विशेष मामले में अनुज्ञात करे, कारखाने का वापस भेज दिया जाता है, और
- (2) ऐसे माल को कारखाने, भांडागार में पुनः प्रवेश या रखे जाने की तारीख से तीन मास के भीतर या ऐसी बढ़ाई गई अवधि के भीतर जो कलक्टर द्वारा अनुज्ञात की जाए, कारखाने भांडागार से हटा लिया जाता है।

- (क) कारखाने में अन्य माल के विनिर्माण के प्रयोग के लिए प्राप्त रोक रखा गया माल, अथवा
- (ख) फिटिंग या उपस्कर के रूप में या किसी अन्य प्रयोजन के लिए जिसके लिए ऐसे माल को सामान्यतया उपयोग में लाया जाता है, प्रयोग करने के लिए अवस्था निर्माण कार्य या मरम्मत कार्य के लिए कारखाने में प्राप्त या रोक रखा गया माल; अथवा
- (ग) पुनर्निर्माण, परिशोधन, दशा सुधार, मरम्मत के लिए या कारखाने में किसी ऐसी ही प्रक्रिया के लिए कारखाने का लौटाया गया माल; अथवा
- (घ) शुल्क के संदाय के पश्चात् यदि मान को ऐसी ज्ञात परिस्थितियों के कारण जिन पर निश्चिन्ता का कोई नियंत्रण नहीं है, जैसे रेश बैंगनों को अनुपलब्धता, बाहनों आदि में खराबी; अथवा
- (ङ) जहां शुल्क का संदाय या निकामी किया गया माल रेल बुकिंग के स्थगित हो जाने के कारण कारखाने या भांडागार में वापस लाया जाता है, अथवा
- (च) परीक्षण, डिजाइनों के, अध्ययन, बनावट की पद्धति, आदि की जांच के लिए कारखाने में रोक रखा गया या वापस लाया गया माल, अथवा
- (छ) कारखाने में खुराक वित्तिय के लिए या शेट स्वरूप दिए जाने के लिए, या आहूतों की अपेक्षा के अनुरूप पैकेज में पुनः पैक करने के लिए भांडार किया गया माल।

उपाबन्ध

(क) कारखाने में अन्य माल के विनिर्माण में प्रयोग के लिए प्राप्त या रोक रखा गया माल—

(1) निर्धारित कारखाने पर अधिकारिता वाले केन्द्रीय उत्पाद शुल्क अधीक्षक को माल के पुनः प्रवेश, रोक रखे जाने की सूचना माप प्राप्त होने या रोक रखे जाने के तुरन्त पश्चात् उपाबन्ध (1) में दिए गए प्ररूप में ब्योरो के साथ देगा तथा उसकी एक प्रति संबंधित सहायक केन्द्रीय उत्पाद-शुल्क कलक्टर को भेजेगा।

(2) माल को प्रवेश बिल के साथ (आयातित उत्पाद-शुल्कीय माल की वशा में) अथवा ए. आर. आई. अथवा गेट पास अथवा ऐसे अन्य वस्तावेजों के साथ जो स्वयं माल हटाने की प्रक्रिया के अंतर्गत देशी उत्पाद-शुल्क माल के संबंध में उपरोक्त वस्तावेजों के स्थान पर बिहित किए जाएं, निरीक्षण/परीक्षण के प्रयोग के लिए प्रतिनियुक्त केन्द्रीय उत्पाद शुल्क अधिकारी के समक्ष प्रस्तुत करेगा।

(3) भांडारण का स्थान मुख्य कारखाने तथा शुल्क अवेय माल के लिए अनुमोदित भांडारण कक्ष से पृथक होगा और निर्धारित द्वारा घोषित तथा अनुज्ञापन प्राधिकारी द्वारा अनुमोदित होगा।

(4) निर्धारित उपबन्ध 2 में दिए गए प्ररूप में अभिलेख रखेगा जिसमें रोक रखे गए प्राप्त किये गए, निष्पावित किए गए माल आदि के ब्योरे दिखाए जाएंगे।

(5) भांडार और लेख सभी युक्तियुक्त समयों पर केन्द्रीय उत्पाद-शुल्क अधिकारी के निरीक्षण/परीक्षण के लिए उपलब्ध होने चाहिए।

(ख) निर्माण कार्य या मरम्मत के लिए या फिटिंग या उपस्कर के रूप में प्रयोग के लिए या किसी अन्य ऐसे प्रयोजन के लिए जिसके लिए माल का सामान्यतः उपयोग में लाया जाता है, कारखाने में प्राप्त किया गया या रोक रखा गया माल।

जब निर्माण कार्य के लिए या मरम्मत के लिए या ऊपर उल्लिखित के अनुसार फिटिंग आदि के रूप में प्रयोग के लिए कोई शुल्क संवत्स उत्पाद शुल्क माल कारखाने में प्राप्त किए जाते हैं या रोक रखे जाते हैं तब उन्हें मुख्य कारखाने से दूर पृथक भाण्डारण स्थान में और शुल्क अवेय माल के लिए अनुमोदित भाण्डारण कक्ष में निम्नलिखित शर्तों के अधीन भाण्डारित किया जाएगा—

(क) ऐसे शुल्क संवत्स माल के भांडारण के लिए ऐसे कक्ष/स्थान का प्रयोग करने से पूर्व उन पृथक कमरों और स्थानों को, जहाँ ऐसे शुल्क संवत्स माल को भांडारण करना हो, सम्यक् रूप से घोषित और अनुज्ञापन प्राधिकारी द्वारा अनुमोदित किया जाना चाहिए।

(ख) निर्धारित कारखाने पर अधिकारिता वाले केन्द्रीय उत्पाद-शुल्क अधीक्षक को जिसकी माल के कारखाने में प्राप्त होने या रोक रखने के तुरन्त पश्चात् उपाबन्ध 1 में दिए गए प्ररूप में जानकारी देगा और उसकी एक प्रति संबंधित केन्द्रीय सहायक उत्पाद-शुल्क कलक्टर को भेजेगा।

(ग) माल इस प्रयोजन के लिए प्रतिनियुक्त केन्द्रीय उत्पाद-शुल्क अधिकारी द्वारा निरीक्षण/परीक्षण के लिए उनके समक्ष शुल्क के संवाय के मूल वस्तावेजों, जैसे ए. आर. 1, गेट-पास, आदि, के साथ प्रस्तुत किया जाएगा।

(घ) निर्धारित उपबन्ध 2 में दिए गए प्ररूप में अभिलेख रखेगा जिसमें रोक रखे गए/प्राप्त किए गए माल के ब्योरे, प्रयुक्त मात्रा आदि दर्शाए जाएंगे।

(ङ) भांडार और लेखा सभी युक्तियुक्त समयों पर केन्द्रीय उत्पाद शुल्क अधिकारी के निरीक्षण/परीक्षण के लिए उपलब्ध होने चाहिए।

(ग) कारखाने में पुनः अर्पणाए जाने, परिणोदित किए जाने, ठीक दशा प्रदान करने, मरम्मत करने या किसी ऐसी ही प्रक्रिया के लिए कारखाने को वापस किया गया माल—

(I) जब बैद्युत पंखों, बैद्युत बेंटरियों, बैद्युत बल्बों, टायर और ट्यूबों, अंतरबहन इंजनों, बैद्युत मोटरों, बेतार-तार ग्रहण सेटों, परिशीतन और वातानुकूलन उपकरणों, सीमेंट, बीनी, ऊनी, कपड़े, साइकिल के पुर्जों, मोटर कारों जिसमें टेलर भी आते हैं, शक्ति चालित पम्पों, घरेलू बैद्युत उपकरणों, बैद्युत प्रदाय मोटरों, फार्क लिफ्ट ट्रैको और प्लेटफार्म ट्रैको, ग्रामोफोनों और उनके पुर्जों, टेप रिकार्डर्स, सिनेमा प्रोजेक्टरों, कार्यालय मशीनों, मोटर स्टार्टरों, फोटोग्राफी के माध्यमों, और मालों तथा प्रवेश-कूकरों के सिवाय कोई अन्य शुल्क संयंत्र माल को पुनः बनाए जाने, परिणोदित किए जाने, ठीक दशा प्रदान किए जाने या किसी ऐसी ही प्रक्रिया के लिए कारखाने से हटाए जाते हैं तो—

1. निर्धारित, उसके कारखाने पर अधिकारिता रखने वाले केन्द्रीय उत्पाद-शुल्क अधीक्षक को, माल के कारखाने में प्राप्त होने के तुरन्त पश्चात्, माल की प्राप्ति उपाबन्ध (1) में दिए गए प्ररूप में संसूचित करेगा और उसकी एक प्रति संबंधित सहायक केन्द्रीय उत्पाद-शुल्क कलक्टर को भेजेगा।

2. माल के पुनः बनाए जाने, परिणोदित किए जाने, मरम्मत किए जाने, पुनः ठीक दशा प्रदान किए जाने, या किसी अन्य ऐसी प्रक्रिया किए जाने पर्यन्त, पृथक स्थान पर रखा जाएगा और इस प्रयोजन के लिए प्रतिनियुक्त केन्द्रीय उत्पाद शुल्क अधिकारी द्वारा निरीक्षण के लिए और यदि आवश्यकता हो तो सेम्पल लिए जाने के लिए, प्रस्तुत किया जाएगा। उक्त अधिकारी उक्त माल के भांडार में लिए जाने के पूर्व उनका परीक्षण करेगा और शुल्क संवत्स माल को संबंधित निकासी वस्तावेजों से मिलाएगा। इस प्रयोजन के लिए उक्त केन्द्रीय उत्पाद-शुल्क अधिकारी इस बात का स्थापन करेगा कि कारखाने से जिस मूल रूप में माल भेजा गया था, उसमें कोई फेरफार नहीं किया गया है और किसी भी प्रकार से उसका कहीं कोई प्रयोग नहीं किया गया है, तथा विक्रय के लिए प्राप्त किए गए छोटे पैकेज, मिवाय उनके जो सेम्पल लेने के लिए खोले गए हो, बिना छुले हैं।

2. ऐसा सांशिवक साक्ष्य या निर्धारित के पास उपलब्ध हो, उदाहरणार्थ, ऐसे माल की खारिजी की बाबत जेता के साथ किए गए पत्र व्यवहार, असेसर्स द्वारा ह्रात के निर्धारण के बारे में रिपोर्ट, आदि, केन्द्रीय उत्पाद-शुल्क अधिकारी का यह समाधान करने के लिए कि माल का पुनः प्रवेश संधाधिक है, उनके समक्ष प्रस्तुत किया जाएगा। जहाँ पारेषण को वापस करने से, पूर्व, यूनिट पैकेजों में से कुछ को या सभी को, खोल लिया गया हो, वापस किए गए माल की पहचान ऐसे संधाशिवक साक्ष्य के प्रतिनिर्देश से, निश्चित की जाएगी। जहाँ कहीं कटेनरों पर बिहाकन हो, जिनका उल्लेख या तो निकासी वस्तावेजों में किया गया हो अथवा निर्धारित के अन्य लेखाओं में किया गया हो, वहाँ ऐसे सभी अभिलेख पहचान में सुविधा प्रदान करने के लिए, केन्द्रीय उत्पाद-शुल्क अधिकारी के समक्ष प्रस्तुत किए जाएंगे।

3. जहाँ आवश्यक हो, वहाँ माल की मरम्मत या उसे पुनः ठीक दशा प्रदान करने का कार्य, जहाँ तक संभव हो, विनिर्माण अनुभाग से बिना किसी पृथक अनुभाग में किया जाएगा, तथा जहाँ यह कार्य विनिर्माण अनुभाग में हो किया जाए, वहाँ इस की पूर्ण सूचना निर्धारित द्वारा संबंध केन्द्रीय उत्पाद-शुल्क अधिकारी को दी जाएगी।

4. निर्धारित मरम्मत के लिए या माल को पुनः दशा प्रदान करने के लिए प्रयुक्त उत्पाद-शुल्क संगणकों (कंपोनेन्ट्स) पर शुल्क का संदाय मरम्मत और पुनः ठीक दशा प्रदान करने, आदि के लिए ऐसे उत्पाद-शुल्क पुर्जों का प्रयोग करने के लिए उठाते समय, सामान्य रीति से ही, करेगा।

5. निर्धारित लौटाए गए माल का, उन प्रक्रियाओं का, जिनसे होकर वह कारखाने में वापस आने के पश्चात् गुजरा है, पुनः प्रसंस्करण या पुनः बनाए जाने के पश्चात् अभिप्राप्त मात्रा तथा तदनंतर उनके उठाए जाने के ब्योरेबार हिसाब उपाबंध III में दिए गए समुचित प्ररूप में रखेगा। इस प्रकार से रखे गए अभिलेख तथा संगत दस्तावेज सभी युक्तियुक्त समयों पर, केन्द्रीय उत्पाद-शुल्क अधिकारी द्वारा निरीक्षण किए जाने के लिए उपलब्ध होंगे चाहिए।

6. मरम्मत किए गए मालों को हटाने का कार्य गेट पास या इस प्रयोजन के लिए अनुमोदित बैसे ही दस्तावेज के आधार पर किया जाएगा जिसके ऊपर सुदृश्य रूप से "मरम्मत किए गए/पुनः प्रसंस्कृत माल की पुनः निकासी" शब्द होने चाहिए।

7. इस प्रकार पुनः प्रसंस्कृत किए गए, तैयार किए गए माल, आदि शुल्कप्रदेय माल के पृथक बन्धक, धीन भाड़ागारों में रखे जाएंगे।

टिप्पण : 1. नियम 173 ज (1) ऐसे शुल्क संदत्त माल के, जो परेषिती द्वारा अस्वीकार किया जाए और जिसके पुनः प्रसंस्कृत करने या परिशोधित करने आदि की आवश्यकता न हो, पुनः प्रवेश की अनुज्ञा नहीं देता। ऐसा शुल्क संदत्त माल, सिवाय तब के जब कलक्टर लिखित आदेश द्वारा किसी विशिष्ट मामले में, केन्द्रीय उत्पाद-शुल्क नियमों के नियम के 51क के परन्तुक के अनुसार विनिर्दिष्टतः ऐसी अनुज्ञा दे, निर्धारितों द्वारा कारखाने में नहीं लाया जाना चाहिए और कारखाने के परिसर से बाहर किसी स्थान पर रखा जाना चाहिए।

2 उपरोक्त प्रक्रिया तब अपनाई जानी चाहिए जब कारखानों में प्राप्त शुल्क संदत्त माल पृथक रूप से पुनः प्रसंस्कृत किया जा सकता है उसे पुनः ठीक वशा प्रदान की जा सकती हो तथा शुल्क के सवाय के बिना हटाया जा सकता हो। यदि ऐसा संभव नहीं हो तो ऐसे माल का पुनः प्रसंस्करण केन्द्रीय उत्पाद-शुल्क नियम, 1944 के नियम 173 ठ या नियम 100 के अधीन प्रतिदाय के दावे के अंतर्गत किया जाना चाहिए।

(II) कारखाने में परिशोधन, पुनः प्रसंस्करण आदि के लिए वापस लाई गई क्षतिग्रस्त चीनी/सीमेन्ट

1. निर्धारितों, उनके कारखाने पर अधिकांकित वाले केन्द्रीय उत्पाद-शुल्क अधीक्षक को, कारखाने में पारेषण की प्राप्ति के ठीक पश्चात् कारखाने में प्राप्त हुए माल की वास्तव संयुक्तता उपाबंध I में दिए गए प्ररूप में लिखित रूप में देगा। ऐसी संयुक्तता में अन्य बातों के साथ-साथ उस तारीख और समय का उल्लेख होना चाहिए जब पारेषण को पुनः प्रसंस्करण के लिए भेजा जाना है तथा संयुक्तता की एक प्रति संबंधित केन्द्रीय उत्पाद-शुल्क कलक्टर को भेजी जाएगी। पारेषण को, तब तक जब तक कि केन्द्रीय उत्पाद-शुल्क अधिकारी द्वारा उसका निरीक्षण नहीं कर लिया जाता, पृथक रूप से रखा जाएगा।

2. इस प्रयोजन के लिए प्रतिनियुक्त केन्द्रीय उत्पाद-शुल्क अधिकारी वास्तविक तोल करा कर कारखाने में इस प्रकार प्राप्त किए गए पारेषण का बज्रन विनिश्चित करेगा, उसमें से सेम्पल लेगा; सामान्य परीक्षण जापम तैयार करेगा और सेम्पलों को रासायनिक परीक्षक के पास यह पता करने के लिए भेजेगा कि उसमें से कितनी चीनी/सीमेन्ट पुनः प्राप्त होने योग्य है।

3. रासायनिक परीक्षक से परीक्षण रिपोर्ट प्राप्त होने पर सहायक उत्पाद-शुल्क कलक्टर, संबंधित केन्द्रीय उत्पाद-शुल्क अधीक्षक को उस माल की मात्रा की सूचना देगा जो कारखाने से उस क्षतिग्रस्त माल के एकज में जो कारखाने में लाया गया था; निशुल्क परिवर्त की जा सकती है।

4. संबंधित केन्द्रीय उत्पाद-शुल्क अधीक्षक सहायक कलक्टर से आदेश प्राप्त होने पर, रासायनिक विश्लेषण के परिणाम की जानकारी निर्धारितों को कराएगा और रासायनिक परीक्षक द्वारा अवधारित पुनः प्राप्त होने योग्य मात्रा के समतुल्य मात्रा की शुल्क का संदाय किए बिना निकासी की अनुज्ञा प्रदान करेगा।

5. चीनी/सीमेन्ट की निशुल्क निकासी की वास्तव गेट पास के ऊपरी भाग में सुस्पष्ट अक्षरों में "अधीक्षक की आदेश सं० के अनुसार निशुल्क निकासी" शब्द होने चाहिए।

6. निर्धारितों ऐसे क्षतिग्रस्त माल की, जो कारखाने में प्राप्त किया गया हो, और उन विभिन्न प्रक्रियाओं की जो उसके संबंध में की गई हो ब्योरेबार लेखे उपाबंध III में दिए गए प्ररूप में रखेगा।

(III) वैद्युत बैटरियां, पम्पे, वैद्युत बल्ब, टायर और ट्यूबों, अंतरवहन इंजन, वैद्युत मोटोरे, शैतार तार सैट, प्रशीतन और वासानुकूलन उपकरण, माइक्रोफोन के पुर्जे, मोटर कोरें, जिनके अंतर्गत ट्रेलर भी आते हैं, शक्ति चालित पम्प, शरलू वैद्युत उपकरण, वैद्युत आपूर्ति मोटर, फॉर्क लिफ्ट ट्रक और प्लेटफॉर्म ट्रक, ग्रामाफोन और उसके पुर्जे, टेप रिकार्डर, मिनेमा प्रोजेक्टर, कार्यालय मशीनें, मोटर स्टार्टर, फोटोग्राफी के माध्यम और समान तथा प्रेशर कुकर, जो कारखाने में मरम्मत, पुनः ठीक वशा प्रदान करने, आदि के लिए लाए जाएं।

1. निर्धारितों उसके कारखाने पर अधिकांकित वाले केन्द्रीय उत्पाद-शुल्क अधीक्षक को, कारखाने में माल की प्राप्ति की सूचना ऐसी प्राप्ति के तुरन्त पश्चात् उपाबंध I में दिए गए प्ररूप में देगा और उसकी एक प्रति संबंधित सहायक केन्द्रीय उत्पाद-शुल्क कलक्टर को भेजी जाएगी। जब तक कि माल का निरीक्षण केन्द्रीय उत्पाद-शुल्क अधिकारी द्वारा नहीं कर लिया जाता, उसे पृथक स्थान पर रखा जाएगा।

2 इस प्रकार से प्राप्त माल मरम्मत, पुनः ठीक वशा प्रदान करने, आदि के प्रयोजन के लिए विनिर्दिष्ट पृथक स्थान पर रखा जाएगा और जहां तक संभव हो पुनः प्रसंस्करण पुनः ठीक वशा प्रदान करने का कार्य, विनिर्माण अनुभाग से भिन्न पृथक अनुभाग में किया जाएगा। जहां यह कार्य विनिर्माण अनुभाग में ही किया जाता है वहां इसकी पूर्व सूचना संबंधित केन्द्रीय उत्पाद-शुल्क अधीक्षक को दी जाएगी।

3 निर्धारितों उत्पाद शुल्कीय माल/पुर्जों पर, जो मरम्मत कार्य में, पुनः ठीक वशा प्रदान करने के कार्य, आदि में उपयोग में लाए जाएं, शुल्क का संदाय, सामान्य रीति में, उत्पाद-शुल्क माल पुर्जों के हटाए जाने के समय और मरम्मत, पुनः ठीक वशा प्रदान करने, आदि के कार्य में उनका उपयोग करने से पूर्व करेगा।

4. मरम्मत किए गए माल को इस प्रयोजन के लिए रखे गए पृथक गेट पासों के अंतर्गत हटाया जाएगा जिन पर सबसे ऊपरी भाग में सुस्पष्ट अक्षरों में "मरम्मत किए गए/पुनः प्रसंस्कृत किए गए शुल्क संदत्त माल की पुनः निकासी" शब्द लिखे होने चाहिए।

5. निर्धारितों लौटाए गए माल का, उन प्रक्रियाओं का, जिनसे होकर वह कारखाने में वापस आने के पश्चात् गुजरा है, पुनः प्रसंस्करण या पुनः बनाए जाने के पश्चात् अभिप्राप्त मात्रा तथा तदनंतर उनके उठाए जाने का ब्योरेबार हिसाब उपाबंध III में दिए गए समुचित प्ररूप में रखेगा। इस प्रकार से रखे गए अभिलेख तथा संगत दस्तावेज सभी युक्तियुक्त समयों पर केन्द्रीय उत्पाद-शुल्क अधिकारी द्वारा निरीक्षण किए जाने के लिए उपलब्ध होंगे चाहिए।

6. कारखाने में मरम्मत/पुनः ठीक वशा प्रदान किए जाने के लिए लाए गए माल की संख्या/मात्रा किसी एक समय से निर्धारितों के वार्षिक उत्पादन में एक प्रतिशत से अधिक नहीं होगी। यह सीमा, किसी विशिष्ट मामले में सहायक कलक्टर द्वारा, पांच प्रतिशत तक शिथिल की जा सकती है यदि निर्धारितों द्वारा उसके वार्षिक उत्पादन से एक प्रतिशत से अधिक माल की वापसी के लिए प्रस्तुत कारणों के बारे में उसका समाधान हो जाता है।

टिप्पण : ऊनी कपड़ों के सम्बन्ध में, शुल्क संदत्त कपड़ों का पुनः प्रसंस्करण, नियम 173-ज के उपबन्धों के अधीन अनुज्ञा नहीं होगा। ऐसे कपड़ों का पुनः प्रसंस्करण, केन्द्रीय उत्पाद-शुल्क नियम,

1944 के नियम 173-ड के उपबन्धों के अधीन ही अनुमत होना।

घ. शुल्क के सदाय के पश्चात् यदि माल को कारखाने या भाण्डागार से ऐसी अनवस्थित परिस्थितियों के कारण नहीं हटाया जा सकता जिन पर निर्धारितता का नियंत्रण नहीं है, जैसे, रेल के बेगनों की अनुपलब्धता या बाहनों की खराबी।

1. भाण्डागार या कारखाने का वह स्थान जहाँ ऐसा शुल्क सदन माल रखा जाएगा सम्यक् रूप से घोषित किया जाएगा और विनिर्माण अनुज्ञप्ति जारी करने, नवीकृत करने के लिए सक्षम अधिकारी द्वारा अनुमोदित किया जाएगा।

2. भाण्डारण का स्थान भाण्डागार अथवा विनिर्माण के कारखाने के परिसर तथा शुल्क-अर्पण माल के लिए अनुमोदित भण्डार कक्षों से पृथक् होना चाहिए।

3. निर्धारितता उसके कारखाने पर अधिकारिता वाले उत्पाद-शुल्क अधीक्षक को, गेट पास में दिखाई गई तारीख और समय से चौबीस घण्टे के भीतर शुल्क सदन माल को कारखाने से न हटाने के कारणों को संतुष्ट करेगा।

4. माल को, शुल्क के सहाय से सम्बन्धित सुसंगत दस्तावेजों के साथ इस प्रयोजन के लिए प्रतिनियुक्त केन्द्रीय उत्पाद-शुल्क अधिकारी के समक्ष, यदि कोई हो, निरीक्षण/परीक्षण के लिए प्रस्तुत किया जाएगा।

5. निर्धारितता ऐसे शुल्क सदन माल की प्राप्ति, निकासियों और अतिशेद का लेखा उपाबन्ध IV में दिए गए प्ररूप में रखेगा। भण्डार और लेखे सभी युक्तियुक्त समयों पर, केन्द्रीय उत्पाद-शुल्क अधिकारी के निरीक्षण के लिए उपलब्ध होने चाहिए।

6. गेट पासों या ऐसे अनुमोदित दस्तावेजों, जिनके अन्तर्गत माल की निकासी की जानी हो, की सभी प्राप्ति में, तब जब माल को कारखाने में रोक रखा हो, ऐसा करने के कारण, समय और तारीख देते हुए, समुचित पृष्ठांकन किया जाएगा। जब माल को अन्तिम रूप से हटाया जाए तब उन गेट पासों या अनुमोदित दस्तावेजों में समुचित पृष्ठांकन किया जाएगा।

7. सामान्यतया इस प्रकार से रोक रखा गया माल, उसका जिस दिन हटाया जाना अपेक्षित है, उसके आगामी दिन हटाया जाएगा। तथापि, जहाँ निर्धारितता ऐसे माल को, ऐसे कारणों से जिन पर उसका नियंत्रण नहीं है, आगामी दिन भी नहीं हटा सके या हटा सकता हो तो वह उसकी समुच्चता केन्द्रीय उत्पाद-शुल्क अधिकारी को, माल को न हटाने के तथा ऐसे शुल्क सदन माल को रोक रखने के कारणों को देते हुए, तथा ऐसे माल का कारखाने से हटाने की सम्भावित तारीख और समय देने हुए, भेजेगा।

8. शुल्क का संवाय करके निकासी किया गया वह माल जो अन्तःराष्ट्रिय रेल की बुकिंग स्थगित होने के कारण कारखाने या भाण्डागार को वापस लाया जाए।

1. विनिर्माता सम्बन्धित केन्द्रीय उत्पाद-शुल्क अधीक्षक को, उतने समय के भीतर जितना कि माल के कारखाने में प्राप्त होने के पश्चात् अनुज्ञापन किया जा सकता हो, उपाबन्ध I में दिए गए प्ररूप में माल के लौटने की समुच्चता देगा और सम्बन्धित सहायक क्लर्क को उसकी एक प्रति देगा।

2. माल इस प्रयोजन के लिए प्रतिनियुक्त केन्द्रीय उत्पाद-शुल्क अधिकारी के समक्ष प्रस्तुत किया जाएगा जो उसकी पहचान शुल्क के संवाय सम्बन्धी दस्तावेजों, जैसे, ए० आर० 1, गेट पास, आदि से करेगा।

3. ऐसे माल को कारखाने के मुख्य विनिर्माण परिसर से भिन्न किसी स्थान पर पृथक् रूप से रखा जाएगा जो शुल्क-अर्पण माल के

लिए अनुमोदित भाण्डागार कक्ष हो और भण्डार काई, उन पर "पूत-प्रविष्ट माल" शब्द अंकित करते हुए—

1. प्राप्ति की तारीख;
2. प्राप्त मात्रा;
3. निकासी दस्तावेजों का संख्यांक और तारीख;
4. पुनः भेजने की तारीख; और
5. पुनः भेजी गई मात्रा,

दर्शाते हुए रखे जाएंगे ताकि उन्हें अन्य माल से, यदि कोई हो, पृथक् रूप से पहिचाना जा सके।

4. मूल गेट पासों की सभी प्रतियों में, जिनके अन्तर्गत माल की पहले निकासी की गई थी, कारखाने में माल पुनः प्राप्त होने पर, समय और तारीख पृष्ठांकन की जाएगी। जब माल पुनः निकासी किया जाए तब गेट पासों में पुनः उपयुक्त प्रविष्टियाँ की जाएँगी।

5. सामान्यतया इस प्रकार से लौटाया गया माल उसकी वापस प्राप्ति के दिन के ठीक आगामी दिन हटाया जाएगा। तथापि, जहाँ निर्धारितता ऐसे माल को, ऐसे कारणों से जिन पर उसका नियंत्रण नहीं है, आगामी दिन भी नहीं हटा सके या हटा सकता हो तो उसकी समुच्चता केन्द्रीय उत्पाद-शुल्क अधिकारी को, माल को न हटाने के तथा ऐसे शुल्क सदन माल को रोक रखने के कारणों को देखते हुए, तथा ऐसे माल को कारखाने से हटाने की सम्भावित तारीख और समय देने हुए, भेजेगा।

च. परीक्षण, डिजाइनो के अध्ययन, बनावट की पद्धति आदि की जांच के लिए कारखाने में रोक रखा गया या वापस लाया गया माल।

1. शुल्क सदन उत्पाद-शुल्कीय माल के सेम्पलों के कारखाने में प्राप्त होने के पश्चात्, तुरन्त माल के पुनः प्रवेश रोक रखने की समुच्चता निर्धारितता द्वारा सम्बन्धित केन्द्रीय उत्पाद शुल्क अधीक्षक को उपाबन्ध 1 में दिए गए प्ररूप में दी जाएगी और उसकी एक प्रति सम्बन्धित सहायक केन्द्रीय उत्पाद शुल्क क्लर्क को भेजी जाएगी।

2. माल को पृथक् स्थान पर रखा जाएगा तथा उसे केन्द्रीय उत्पाद शुल्क अधिकारी द्वारा, परीक्षण के लिए तथा/या केन्द्रीय उत्पाद शुल्क अधिकारी द्वारा, यदि अपेक्षा की जाए, तो सेम्पल लिए जाने के लिए प्रस्तुत किया जाएगा।

3. निर्धारितता ऐसे माल की प्राप्ति और निष्पादन का एक सादा लेखा रखेगा। यह लेखा सभी युक्तियुक्त समयों पर, किसी भी केन्द्रीय उत्पाद शुल्क अधिकारी द्वारा निरीक्षण के लिए उपलब्ध होना चाहिए।

छ. खदरा विक्रय के लिए या भेट स्वरूप दिए जाने के लिए या विभिन्न ग्राहकों की अपेक्षाओं के अनुरूप पैकेजों में पुनः पैक किए जाने के लिए कारखाने परिसर में भाण्डार किए जाने के लिए अपेक्षित माल।

1. यदि निर्धारितता की कोई खदरा दुकान जनसाधारण के लिए खुली हुई है तो वह, जहाँ तक सम्भव हो वहाँ तक, कारखाने परिसर से दूर होनी चाहिए और कारखाना परिसर से उसका भवन पूर्णतया पृथक् होना चाहिए। अनुज्ञप्त परिसर में होकर खदरा दुकान के लिए कोई प्रवेश द्वार नहीं होना चाहिए।

2. जहाँ निर्धारितता केवल कारखाने के कर्मचारियों को खदरा विक्रय के लिए या भेट स्वरूप देने के लिए, कुछ शुल्क सदन माल भाण्डारण करना चाहता है तो उसे सामान्यतया ऐसे माल के भाण्डारण के लिए अनुज्ञप्त परिसर से बाहर किसी स्थान की व्यवस्था करनी चाहिए। तथापि कोई ऐसा निर्धारितता जिसके पास शुल्क सदन माल के भाण्डारण के लिए अनुज्ञप्त परिसर के बाहर कोई अतिरिक्त भाण्डारण स्थान न हो, तो उसे कारखाने परिसर के भीतर किसी पृथक् कमरे/स्थान में ऐसे माल

का भाण्डारकरण करने की अनुज्ञा, निम्नलिखित शर्तों के अधीन दी जा सकती है :—

- (क) वह पृथक् कमरा/स्थान, जहाँ शुल्क सदन माल को भाण्डारकृत करना हो, भाण्डारकरण करने से पूर्व सम्बन्धित अनुज्ञापन प्राधिकारी द्वारा अनुमोदित तथा सम्यक् रूप में घोषित किया जाएगा।
- (ख) उस कमरे या स्थान को अनुज्ञापन परिसर के शेष भाग से पृथक् करने के लिए प्रवेश द्वारों को भली-भाँति बन्द कर दिया जाएगा, सिवाय एक द्वार के जो कारखाने के मुख्य भवन के बाहर खुले स्थान को जोड़ता हो तथा ये भाण्डारण स्थान ऐसे होने चाहिए जिसे ताला बन्द करके सुरक्षित किया जा सके। चाय-बागान कारखाने में यह स्थान कारखाना परिसर के प्रशासनिक या इंजीनियरी भाण्डागार/अनुभाग में हो सकता है।
- (ग) इस प्रयोजन के लिए कोई भी शुल्क संवत् माल, चाय-कारखाने के अनुज्ञापन परिसर में या सम्पदा में ऐसे अनुमोदित भाण्डार कक्ष/स्थान के अतिरिक्त, कहीं अन्यत्र भाण्डारकृत नहीं किया जाएगा।

- (घ) खुदरा भाण्डागार के लिए, माल दिए जाने का कार्य, शुल्क संवाय करके, मिकासी करने के लिए, सामान्य प्रक्रिया के अनुसार ही किया जाएगा।
- (ङ) शुल्क सदन माल के प्रत्येक लोट के लिए, माल के परिवहन के समय, नियम 52-क के अधीन, पृथक् गेट पास या इस प्रयोजन के लिए अनुमोदित ऐसे ही दस्तावेज जारी किए जाने चाहिए। गेट पास बुक का एक सेट या इस प्रयोजन के लिए अनुमोदित वैसे ही दस्तावेज इस प्रयोजन के लिए अनिवार्य प्रयोग में लाए जाएंगे। ऐसे गेट पासों या दस्तावेजों के ऊपर सुस्पष्ट रूप से "खुदरा दुकान के लिए भेजा गया शुल्क संवत् माल" शब्द अंकित रहेंगे।
- (च) निर्धारित खुदरा विक्रयो, गेट स्वरूप दिए गए माल और/या पुनः बुकिंग आदि के लिए माल की प्राप्ति, भेजने तथा उसके प्रतिशेष की बाबत एक लेखा उपाबन्ध 5 और 6 में दिए गए प्ररूपों में रखा जाएगा। यह लेखा और ऐसे भाण्डार सभी युक्तियुक्त समयों पर किसी भी केन्द्रीय उत्पाद-शुल्क अधिकारी द्वारा निरीक्षण/सत्यापन के लिए उपलब्ध होने चाहिए।

[फा० सी० सं० 3/76/IV/16/220/69-के०उ०शु० I]
एस० वेंकटरामा आध्वर, कलकटर

उपाबन्ध—I

शुल्क सदन उत्पाद-शुल्क माल की कारखाने के परिसर में प्राप्ति/
रोके रखने से संबंधित घोषणा

सेवा में,

केन्द्रीय उत्पाद-शुल्क अधीक्षक
..... रेन्ज
..... (स्थान)

मैं/हम घोषणा करता हूँ/करते हैं कि उत्पाद शुल्क माल का नीचे वर्णित पारेषण मेरे/हमारे पास मेरे/हमारे अनुज्ञापन परिसर में तारीख को बजे प्रयोजन के लिए प्राप्त हुआ है, रोक रखा गया है।

1. उस कारखाने/व्यक्ति/स्थान का नाम और पता जहाँ से माल प्राप्त हुआ है।
2. जिस गेट पास के अंतर्गत शुल्क का संदाय हुआ है उसका संख्यांक और तारीख।
3. माल का विवरण और किस्म।
4. पैकेजों की संख्या तथा प्राप्त पैकेजों पर पहचान के चिह्न।
5. गेट पास में दिखाई गई मात्रा।
6. प्राप्त मात्रा।
7. जिस टैरिफ मद के अंतर्गत संदाय किया गया है उसके संख्यांक।
8. संवत् शुल्क की रकम।
9. टिप्पणी।

2. मैं/हम घोषणा करता हूँ/करते हैं कि

- (क) प्राप्त माल को मेरे/हमारे पूरे समाधानप्रद रूप से गेट पास में दिए गए विवरण के साथ मिलाकर पहचान की जा सकती है।
- (ख) माल प्राप्त के समय से की अवधि के भीतर पुनः प्रसंस्कृत किया जाएगा/उपयोग में लाया जाएगा, आदि।
- (ग) खुदरा विक्रय के लिए अभिप्रेत यूनिटों अथवा छोटे पैकेजों में से अधिकांश ज्यों के त्यों हैं और बिना खुले हुए हैं तथा खुले पैकेजों की दशा में उनका माल पृथक्-पृथक् बस्तुओं या कन्टेनरों पर अंकित चिह्नों के आधार पर तथा/वा अन्य सांवाधिक साक्ष्य के आधार पर मेरे/हमारे समाधान-प्रद रूप से पहचानने योग्य है।
- (घ) जो भी क्षति या अवक्षय हुआ है वह विनिर्माण/भंडारकरण/परिवहन के दौरान हुआ है अथवा परिवहन के दौरान किसी दुर्घटना के परिणामस्वरूप हुआ है तथा माल का उपयोग परीक्षण के प्रयोजन के सिवाय किसी अन्य रीति से नहीं किया गया है।
- (ङ) मैंने/हमने इस प्रकार प्राप्त पारेषण की विशिष्टियाँ अपने भंडार रजिस्टर में प्रविष्ट कर ली हैं।

स्थान

तारीख

संसूचना भेजने का समय

प्रतिनिधि सहायक केन्द्रीय उत्पाद-शुल्क कलकटर विबीजन (स्थान)

को प्रेषित।

अनुज्ञापिधारी या उसके प्राधिकृत
अधिकर्ता के हस्ताक्षर
(अनुज्ञापिधारी का नाम और पता)

टिप्पण :—[ये घोषणाएँ तभी आवश्यक हैं जब माल पुनः तैयार करने दिए जाएंगे, परिष्कारित करने, पुनः ठोक बशा प्रदान करने अथवा अन्य ऐसी ही प्रक्रिया करने के लिए प्राप्त हुआ हो।

उपाबंध—II

कारखाने में उपयोग के लिये कारखाने के परिसर में प्राप्त किए गए/रोक रखे गए शुल्क संबन्ध माल का लेखा।

कारखाने का नाम
पता
अनुज्ञापित सं०
माल का विवरण

| तारीख | आदि शेष | प्राप्तियां | दस्तावेजों के मात्रा संख्याक और तारीख | योग | रवानगी | अंत शेष | टिप्पण |
|-------|---------|---------------------------------------------------------|---------------------------------------|-----|--------------------------------|---------|--------|
| | | कारखाना/व्यक्ति/स्थान का नाम जहां से माल प्राप्त हुआ है | | | दस्तावेजों के संख्याक और तारीख | मात्रा | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | | | | | | |

टिप्पण : प्रत्येक प्रकार के माल का हिसाब रखने के लिए पृथक् आदिशेष दिखाया जाएगा।

उपाबंध—III

पुनः प्रसंस्करण/मरम्मत/पुनः ठीक बसा प्रदान करने के लिए प्राप्त शुल्क संबन्ध माल का लेखा

कारखाने का नाम और पता
अनुज्ञापित सं०

| पुनः प्रवेश की तारीख | कहां से प्राप्त हुआ | माल का विवरण | प्राप्तियां ब्रांड नाम तथा पहिचान चिह्न या संख्याक, यदि कोई हो | प्राप्त मात्रा | निर्धारिती या उसके अधिकर्ता के हस्ताक्षर | पुनः प्रसंस्करण/मरम्मतों के ब्यौरे—पुनः प्रसंस्करण पुनः तैयार करने में से जिन प्रक्रिया का प्रयोग हुआ हो उनके ब्यौरे। |
|----------------------|---------------------|--------------|-------------------------------------------------------------------|----------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

| पुनः प्रसंस्करण/मरम्मतों के ब्यौरे | रवानगी | टिप्पण | निर्धारिती या उसके अधिकर्ता के हस्ताक्षर |
|----------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------|
| पुनः प्रसंस्करण आदि के पश्चात् पुनः प्राप्त की गई मात्रा | उपयोग में लाए गए उत्पाद शुल्क संगणकों का, यदि कोई हो, विवरण | संगणकों पर संबन्ध शुल्क की रकम तथा गेट पास का संख्याक और तारीख | गेट पास का संख्याक और तारीख |
| 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 |

टिप्पणी—प्रत्येक पारंपरिक के सम्बन्ध में पृथक् प्रविष्टि की जानी चाहिए।

उपाबन्ध-IV

ऐसे शुल्क सबत माल का लेखा जो ऐसी परिस्थितियों के कारण, जिन पर निर्धारित का वश नहीं है, जैसे, रेल की बुकिंग का स्थगित होना, रेल बैगनों की अनुपलब्धता अथवा बाहनों की खराबी, परिवहनित नहीं किया जा सका

कारखाने का नाम और पता :

अनुसूचि सं० :

| तारीख | रोक रखे गए माल की विशिष्टियां | | जिस गेट पास /अनु- मोहित दस्तावेजों के अंतर्गत शुल्क सदन किया गया हो, उसका संख्याक और तारीख | रवानगी की तारीख | जिस गेट पास के अंतर्गत रवानगी की गई उसकी विशिष्टियां | रवानगी | | टिप्पण |
|-------|-------------------------------|--------|--------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------|----------------|------------|--------|
| | माल का विवरण | मात्रा | | | | भेजी गई मात्रा | शेष मात्रा | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

उपाबन्ध-V

छुदरा बिक्रय के लिए या भेंट स्वरूप दिए जाने के लिए कारखाने में भंडारित शुल्क सबत माल की प्राप्ति तथा निकासी का लेखा

कारखाने का नाम और पता :

अनुसूचि सं० :

| तारीख | प्राप्त माल का विवरण | आविशेष | मात्रा | प्राप्तियां | | निकासियां | | अतिशेष | टिप्पण |
|-------|----------------------|--------|--------|-------------------------------|-------------------------|-----------------------|--------|--------|--------|
| | | | | गेट पास संख्यांक तथा तारीख | स्तम्भ 3 और 4 का योग | गेट पास का संख्याक | मात्रा | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

उपाबन्ध—VI

विभिन्न ग्राहकों की अपेक्षाओं के अनुरूप पैकेजों के पुनः पैक करने के लिए कारखाने में भंडारित शुल्क सबत माल की प्राप्तियों और निकासियों का लेखा

कारखाने का नाम और पता :

अनुसूचि संख्यांक :

| तारीख | माल का विवरण | प्राप्तियां | | जिस गेट पास के अंतर्गत शुल्क का संदाय किया गया उसके संख्यांक और तारीख | पुनः पैक किए जाने के परन्तु माल की विशि- ष्टियां | निकासियां | | अतिशेष | टिप्पण |
|-------|--------------|----------------------|--------|-----------------------------------------------------------------------------------|--------------------------------------------------------|----------------------|--------|--------|--------|
| | | पैकेजों की संख्या | मात्रा | | | पैकेजों की संख्या | मात्रा | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Office of the Collector of Central Excises

CENTRAL EXCISES

Cochin, the 21st July, 1976

S.O. 230.—In exercise of the powers conferred on me under Rule 173H of the Central Excise Rules, 1944, and in supersession of this Collectorate Notification No. 2/69 dated 13-2-69 I hereby prescribe the procedure as mentioned in the annexure hereto appended, which shall be followed by every assessee working under the Self Removal Procedure laid down in Chapter VII-A of the Central Excise Rules 1944 as substituted by the Government of India Notification No. 182/69CE dated the 14th July, 1969, for retaining in or bringing into his factory or warehouse, the excisable goods on which duty has been paid, for the purposes mentioned in sub-rule (1) of the said rule as mentioned below and for subsequent removal of such goods from the said factory or warehouse without payment of duty under sub rule (2) thereof provided that :

- (i) such goods are returned to the factory within one year of the date of payment of duty or within such further period or periods as the Collector may permit in any particular case and
 - (ii) such goods are removed from the factory/warehouse within three months from the date of re-entry or retention in the factory/warehouse or with such extended period as the Collector may allow.
- (A) Goods received/retained for use in the manufacture of other goods in the factory; or
 - (B) Goods received or retained in the factory for construction or repairs or for use as fittings or equipment or for any other purpose for which such goods are formally consumed; or
 - (C) Goods returned to the factory for being remade, refined, reconditioned, repairs or subjected to any similar processes in the factory; or
 - (D) after payment of duty if the goods cannot immediately be removed from the factory or warehouse due to unforeseen circumstances beyond the control of the assessee, such as non-availability of railway wagons, breakdown of carriers etc. or
 - (E) When goods cleared on payment of duty are brought back into the factory or warehouse due to sudden suspension of booking on railways; or
 - (F) Goods retained in or brought into the factory for test, studying designs, method of construction etc.; or
 - (G) Goods are required to be stored in the factory for retail sale or for issue as complimentary gifts or for repacking into packages so as to suit the requirements of individual customers.

ANNEXURE

- (A) Goods received/retained for use in the manufacture of other goods in the factory :—

1. The assessee shall give intimation to the Superintendent of Central Excise having jurisdiction over the factory of the reentry/retention of the goods immediately after the goods are received into or retained in the factory the details thereof in the form in Appendix I with a copy to the concerned Asstt. Collector of Central Excise.

2. The goods shall be presented for inspection/examination by the Central Excise Office deputed for the purpose with the Bill of Entry (in the case of imported excisable goods) or AR1 or Gate pass or such other documents prescribed in lieu thereof under the Self Removal Procedure in respect of indigenous excisable goods.

3. The storage place shall be separate and distinct from the main factory and approved store room for non-duty paid goods and shall be declared by the assessee and approved by the licensing authority.

4. The assessee shall maintain a record in the proforma given in Appendix II showing details of the goods retained/received, disposed of etc.

5. The stocks and accounts shall be open to inspection/examination by any Central Excise Officer at all reasonable times.

- (B) Goods received or retained in the factory for construction or repairs or for use as fittings or equipment or for any other purpose for which such goods are normally consumed.

When any duty paid excisable goods are received or retained in the factory for construction or repairs or for use as fittings etc. as mentioned above, they should be stored in a separate storage place away from the main factory and approved store room for non-duty paid goods, subject to the following conditions—

- (a) The separate room/place where such duty paid goods are to be stored should be duly declared and get approved by the licensing authority before making use of such room/place for storage of such duty paid goods;
 - (b) The assessee shall inform the Superintendent of Central Excise having jurisdiction over the factory immediately after the goods are received or to be retained in the factory in the form given in Appendix I endorsing a copy to the concerned Assistant Collector of Central Excise.
 - (c) The goods shall be presented for inspection/examination by the Central Excise Officer deputed for the purpose with the original duty paying documents such as A.R. 1s, Gate Passes etc.
 - (d) The assessee shall maintained a record in the proforma given in Appendix II showing details of the goods retained/received, quantity used etc.
 - (e) The stocks and accounts shall be open to inspection/examination by any Central Excise Officer at all reasonable times.
- (C) Goods returned to the factory for being remade, refined, reconditioned, repaired or subjected to any similar processes in the factory :—
- (i) When duty paid goods except Electric Fans, Electric Batteries, Electric Bulbs, Tyres and Tubes, Internal Combustion Engines, Electric Motors, Wireless Receiving Sets, Refrigerating and Air Conditioning Appliances, Cement, Sugar, Woollen Fabric, Cycle parts, Motor cars including Trailers, Power Driven Pumps, Domestic Electrical Appliances, Electricity Supply Meters, Fork Lift Trucks and Flat Form Trucks Gramophone and parts, Tape recorders, Cinematograph Projectors, Office Machines, Motor Starters, Photographic Apparatus and goods and Pressure Cookers, are returned for being remade, refined reconditioned or subjected to any similar processes in the factory.

1. The assessee shall give intimation to the Superintendent of Central Excise having jurisdiction over his factory of the receipt of the goods immediately after receipt of the goods into the factory in the form given in Appendix I with a copy to the concerned Assistant Collector of Central Excise.

2. The goods shall be stored separately pending their being remade, refined, repaired, reconditioned or subjected to any other similar processes and shall be presented for inspection and if necessary for sampling by the Central Excise Officer deputed for the purpose who will examine and identify the duty paid goods with the relative clearance documents before they are taken into stock. For this purpose the said Central Excise Officer will verify that the goods as originally issued from the factory have not been tampered with or made use of in any way and the smallest packages meant for retail sale except these few which have been opened for sampling are intact and unopened.

2. Collectorial evidence available with the assessee e.g. correspondence with the buyer regarding rejection of such goods, reports about assessment of damage by assessors, etc., shall also be produced before the Central Excise Officer to satisfy him about the bonafides of such re-entry. Where some or all of the unit packages have been opened before return of the consignments, identity of the goods returned shall also be established with reference to such collectorial evidence. Wherever there

are markings on containers which are described either in the clearance documents or in other accounts of the assessee all such records shall be produced before the Central Excise Officer to facilitate identification.

3. The repairing or reconditioning of the goods where necessary, shall as far as possible, be undertaken in a separate section distinct from the manufacturing section. However, where it is done in the manufacturing section itself, prior intimation shall be given by the assessee to the proper Central Excise Officer.

4. The assessee shall pay duty on the excisable components used for repairing, reconditioning etc. in the usual manner at the time of removal of the excisable parts before utilising them for repairs, reconditioning etc.

5. The assessee shall maintain a detailed account of the returned goods, processes to which they are subjected, after their return to the factory, quantity obtained after their being reprocessed or remade and of their subsequent removal in the proper form at Appendix III. The records so maintained as well as relevant documents shall be open to inspection by any Central Excise Officer at all reasonable times.

6. All removals of repaired goods shall take place under the cover of a gate pass or the like document approved for the purpose having on the top a prominent endorsement "Re-issue of repaired/reprocessed, goods".

7. The goods so reprocessed, remade etc. should be stored separately from the non duty paid goods in the bonded store room.

NOTE : 1. Rule 173H (1) does not permit re-entry of duty paid goods refused by consignees and which do not require any reprocessing, refining etc. Such duty paid goods should not be brought into the factory by the assessee but stored anywhere outside the factory premises unless specifically permitted by the Collector by an order in writing, in any particular case in terms of the proviso to Rule 51A of the Central Excise Rules.

2. The above procedure should be followed when the duty paid goods received into the factory could be separately re-processed/reconditioned and removed without payment of duty. If this is not possible, then such goods should be reprocessed under claim for refund under Rule 173L or Rule 100 of the Central Excise Rules 1944.

(ii) Damaged sugar/Cement brought back to the factory for refining, reprocessing etc.

1. The assessee shall give intimation to the Superintendent of Central Excise having jurisdiction over his factory of the receipt of the goods immediately after receipt of the consignment into the factory in writing in the form given in Appendix I, indicating inter alia the date and time when the consignment is intended to be issued for reprocessing, endorsing a copy thereof to the Assistant Collector of Central Excise concerned. The consignment shall be stored separately till it is inspected by the Central Excise Officer.

2. The Central Excise Officer deputed for the purpose will ascertain by actual weighment the weight of the consignment so received into the factory, draw representative sample, prepare the usual test Memo and forward the samples to the Chemical Examiner for ascertaining the recoverable sugar/cement.

3. On receipt of the test report from the Chemical Examiner, the Assistant Collector of Central Excise will intimate the Superintendent of Central Excise concerned the quantity of goods permitted to be delivered free of duty from the factory against the damaged goods brought into the factory.

4. The Superintendent of Central Excise concerned on receipt of orders from the Assistant Collector will apprise the assessee of the result of the Chemical analysis and will permit clearance of a quantity equivalent to the recoverable quantity as determined by the Chemical Examiner, without payment of duty.

5. Gate Passes covering such duty free clearances of sugar/Cement shall carry on the top a prominent endorsement "Duty free clearance as per Superintendent's Order No. dated....."

6. The assessee shall maintain a detailed account of the damaged goods received and the processes to which the goods are subjected at the factory in the proforma given in Appendix III.

(iii) Electric Batteries, Fans, Electric Bulbs, Tyres and Tubes, Internal, Combusting Engines, Electric motors, Wireless Receiving Sets, Refrigerating and Air conditioning Appliances, Cycle parts, Motor cars including trailers, power driven Pumps, Domestic Electric Appliances, Electricity supply meters, Fork Lift Trucks and Platform trucks, Gramophones and Parts, Tape Recorders, Cinematograph Projectors, Office Machines, Motor Starters, Photographic Apparatus and goods, and Pressure Cookers brought into the factory for repair, reconditioning etc.

1. The assessee shall give intimation to the Superintendent of Central Excise having jurisdiction over his factory of the receipt of the goods into the factory, immediately after such receipt, in the form given in Appendix I with a copy to the Assistant Collector of Central Excise concerned. The goods should be stored separately till they are inspected by the Central Excise Officer.

2. The goods so received shall be stored in a separate place specified for the purpose of repairs, reconditioning etc. and the reprocessing/reconditioning shall as far as possible be undertaken in a separate section as distinct from the manufacturing section. Where it is done in the manufacturing section itself, prior intimation should be given to the Superintendent of Central Excise concerned.

3. The assessee shall pay the duty on excisable goods parts used for repairing re-conditioning etc. in the usual manner at the time of removal of the excisable goods/parts before utilising them for repairs, re-conditioning etc.

4. All removal of repaired goods shall take place under cover of separate gate passes maintained for the purpose and shall carry on the top a prominent endorsement "Re-issue of repaired/reprocessed duty paid goods".

5. A detailed account of the returned goods and the processes to which they are subjected after their return to the factory shall be maintained by the assessee in the form given in Appendix III. The records so maintained as well as other relevant documents shall be open to inspection by any Central Excise Officer at all reasonable times.

6. The number/quantity of goods so brought into the factory for repair/reconditioning shall not exceed at any one time one per cent of the annual production of the assessee. This limit shall be relaxed to 5 per cent by the Assistant Collector in any particular case if he is satisfied with the reason adduced by the assessee for return of goods in excess of one per cent of his annual production.

NOTE : In respect of woollen fabrics, reprocessing of duty paid fabrics shall not be permitted under the provisions of Rule 173H. Reprocessing of such fabrics shall be permitted only under the provisions of Rule 173L of Central Excise Rules 1944.

(D). After payment of duty if the goods cannot immediately be removed from the factory or warehouse due to unforeseen circumstances beyond the assessee's control such as non availability of Railway wagons or the breakdown of carriers.

1. The place in the factory or warehouse where such duty paid goods are to be stored shall be duly declared and approved by the officer competent to issue or renew the manufacturing licence.

2. The storage place should be separate and distinct from all parts of the premises forming the warehouse or the manufactory and approved store rooms for non-duty paid goods.

3. The assessee shall intimate the Superintendent of Central Excise having jurisdiction over the factory within 24 hours of the time and date shown in the Gate Pass, the reasons for not removing the duty paid goods from the factory.

4. The goods with the relevant duty paying documents shall be presented for inspection/examination by the Central Excise Officer, if any, deputed for the purpose.

5. The assessee shall keep an account of all receipts/issues and balance of such duty paid goods in the form at Appendix IV. The stocks and accounts shall be open to inspection by any Central Excise Officer at all reasonable times.

6. All copies of Gate Passes or approved documents under which the goods were intended to be cleared shall be suitably endorsed when the goods are retained in the factory giving the reasons therefore with time and date. When the goods are finally removed, suitable endorsement shall be made on these gate passes or approved documents.

7. Normally such retained goods will be removed on the day following the day of their intended removal. However where the assessee did not or could not remove such goods for reasons beyond his control on the following day also, he shall intimate the Central Excise Officer as soon as practicable the reasons for non-removal and for continued retention of such duty paid goods indicating therein the probable time and date of their removal from the factory.

(E) Goods cleared on payment of duty brought back into the factory or warehouse due to sudden suspension of booking on Railways :

1. The manufacturer shall give intimation to the Superintendent of Central Excise concerned of the return of the goods, within such time as can reasonably be accommodated after the goods are received into the factory, in the form given in Appendix I with a copy to the Assistant Collector concerned.

2. The goods shall be presented to the Central Excise Officer deputed for the purpose who will identify them with the duty paid documents like AR.1s, Gate passes etc.

3. The goods shall be stored separately in a place distinct from the main premises forming the manufactory and approved store room for non-duty paid goods and stock card super-scribed "RE-ENTERED GOODS" showing

1. Date of receipt
2. Quantity received
3. No. and date of clearance documents
4. Date of re-issue and
5. Quantity issued.

shall be maintained to distinguish them from other goods if any.

4. All copies of original gate passes under which the goods were first cleared, should be endorsed when the goods are received back in the factory giving time and date. When the goods are cleared again, suitable entry should be made on these gate passes.

5. Normally such returned goods will be removed on the day following the day of receipt back of such goods.

However where the assessee did not or could not remove such goods for reasons beyond his control on the said following day, he shall intimate the Central Excise Officer as soon as practicable the reasons for non-removal and continued retention of such duty paid goods indicating therein the probable time and date of their removal from the factory.

(F) Goods retained in or brought back into the factory for test, studying designs, method of construction etc.

1. The assessee shall give intimation to the Superintendent of Central Excise concerned of the re-entry/retention of the goods immediately after the samples of duty paid excisable goods are received in the factory in the form at Appendix I

with a copy to the Assistant Collector of Central Excise concerned.

2. The goods should be stored separately and shall be presented for inspection by the Central Excise Officer and or sampling if required by the Central Excise Officer.

3. The assessee shall keep a simple account of the receipt and disposal of such goods. This account shall be open for inspection by any Central Excise Officer at all reasonable times.

(G) Goods required to be stored in the factory premises for retail sales or for issue as complimentary gifts, or for repacking into packages so as to suit the requirements of the individual customers.

1. Where the assessee has a retail shop open to the public it should as far as possible be located away from the factory premises and in any case physically segregated from the factory premises, there being no entrance to the retail shop from inside the licensed premises.

2. Where the assessee wants to store some duty paid goods for retail sale to factory employees only or issue as complimentary gifts, he should normally arrange for storage of such goods outside the licensed premises. However, any assessee having no additional storage space outside the licensed premises for storing duty-paid goods may be permitted to store the goods in a separate room/place situated within the factory premises subject to the following conditions.

- (a) The separate room/place where duty paid goods are to be stored, shall be duly declared and approved by the licensing authority concerned, prior to storage therein.
- (b) The room or place shall be segregated from the rest of the licensed premises by effectively closing all entrances into it except one communicating only with the open space outside the main factory building and this storage space shall be capable of being securely locked. In garden tea factories this may be in the Administrative or Engineering Store/Section of the factory premises.
- (c) No duty paid goods shall be stored for this purpose elsewhere in the licensed premises or estate in a tea factory except in such approved store room/place.
- (d) All issues for the retail store must be in accordance with the usual procedure for clearance on payment of duty.
- (e) Separate Gate Passes under Rule 52A or like documents approved for the purpose must be issued for each lot of duty paid goods at the time of delivery. One set of gate pass book or the like documents approved for the purpose shall be exclusively used for this purpose. Such Gate passes or documents should carry on the top a prominent endorsement "issue of duty paid goods for the retail shop".
- (f) The assessee should maintain an account of receipt, issue and balance of the retail sales, issues of complimentary gifts and/or repacking etc. in the forms at Appendix V and VII. These account and stock shall be open for inspection/verification by any Central Excise Officer at all reasonable times.

[F. C. No. 3/76/IV/16/220/69 CX. II]
S. VENKATARAMA IYER, Collector.

APPENDIX—I

Declaration of Receipt/Retention of Duty Paid Excisable Goods in the Factory Premises

To

The Superintendent of Central Excise,
.....Range,
.....Place.

I/We hereby declare that the undermentioned consignment of excisable goods has been received/retained by me/us at my/our licensed premises on at hours for the purpose of

1. Name and address of the factory/person/place from where the goods are received

2. No. & date of Gate Pass under which duty has been paid
3. Description and variety of goods
4. No. of Packages and identifying marks on the packages received
5. Quantity shown in the Gate Pass
6. Quantity received
7. Tariff item No. under which duty was paid
8. Amount of duty paid
9. Remarks

2. I/We declare

- (a) that the goods received are identifiable with the description given in the gate pass to my/our entire satisfaction.
- (b) that the goods will be reprocessed/used etc. within.....period of receipt.
- (c) that the majority of the units or small packages as* the case may be, meant for retail sale are intact and unopened and in the case of opened packages the goods are identifiable to my/our satisfaction on the basis of marking on the individual articles or containers and/or other collectoral evidence.
- (d) that the defect or deterioration resulted while in* manufacture/storage/untransit or due to some accident while in transit and that the goods have not been made use of in any manner except for trial purposes.
- (e) that I/We have entered the particulars of consignments so received in my/our stock register.

Place
Date

Signature of licensee or his authorised agent.

Time of sending intimation

(name and address of licensee)

Copy to the Asst. Collector of Central Excise.....Division.....Place.

Note : *These declarations are necessary if goods are received for being remade refined, reconditioned or subjected to any other similar process.

APPENDIX—II

Account of Duty Paid Goods Received/Retained in the Factory premises for use in the Factory

Name of factory :

Address :

Licence No.

Description of goods.

| RECEIPTS | | | | | | ISSUE | | | |
|----------|-----------------|--------------------------------------------------------------------|---------------------------|----------|-------|-------------------------|----------|-----------------|---------|
| Date | Opening Balance | Name of the factory/person/place from where the goods are received | No. and date of documents | Quantity | Total | No. & date of documents | Quantity | Closing Balance | Remarks |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Note : Separate opening should be kept for accounting each type of goods.

APPENDIX—III

Account of Duty Paid Goods received for reprocessing/Repairs/Reconditioning

Name and address of the factory

Licence No.

| RECEIPT | | | | | | |
|------------------|--------------------|--------------------------|------------------------------------------------|-------------------|----------------------------------------|--|
| Date of re-entry | From whom received | Description of the goods | Brand name with identifying mark or No. if any | Quantity received | Signature of the assessee or his agent | |
| 1 | 2 | 3 | 4 | 5 | 6 | |

Separate entry should be made in respect of each consignment.

| DETAILS OF REPROCESSING/REPAIRS | | | | | ISSUES | | | |
|----------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|------|----------------------|----------|---------|----------------------------------------|
| Details of reprocessing, remaking repairs to which the goods are subjected | Quantity recovered after re-processing etc. | Description of excisable components used if any | Amount of duty paid on the components with No. & date of G.P. | Date | No. and date of G.P. | Quantity | Remarks | Signature of the assessee or his agent |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |

APPENDIX—IV

Account of Duty Paid Goods which could not be transported due to circumstances beyond the Assessee's control such as suspension of Booking on Railways, Non-Availability of Railway Wagons or the Break-Down of Carriages

Name & address of the factory

Licence No.

| PARTICULARS OF THE GOODS RETAINED | | | No. and date of gate pass/approved documents under which duty paid | Date of issue | Particulars of gate pass under which issued | ISSUES | | Remarks |
|-----------------------------------|----------------------|----------|--------------------------------------------------------------------|---------------|---------------------------------------------|-----------------|---------------------|---------|
| Date | Description of goods | Quantity | | | | Quantity issued | Quantity in balance | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

APPENDIX—V

Account of Receipt & Issues of Duty Paid Goods Stored in the Factory for Retail Sales or for issue as Complimentary Gifts

Name and address of the factory

Licence No.

| Date | Description of goods received | Opening balance | RECEIPT | | | ISSUES | | | Remarks |
|------|-------------------------------|-----------------|----------|----------------------|------------------------|----------------------|----------|-----------------|---------|
| | | | Quantity | Gate pass No. & date | Total of columns 3 & 4 | No. & date gate pass | Quantity | Closing Balance | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

APPENDIX—VI

Accounts of Receipts and Issues of Duty Paid Goods Stored in the Factory for Repacking into Packages to Suit the Requirements of Individual Customers

Name and address of the factory
Licence No.

| Date | Description of goods | Receipts | | Gate pass No. & date under which duty was paid | Particulars of goods after repacking | | Issues | | Balance | Remarks |
|------|----------------------|-----------------|----------|------------------------------------------------|--------------------------------------|----------|-----------------|----------|---------|---------|
| | | No. of packages | Quantity | | No. of packages | Quantity | No. of packages | Quantity | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

केन्द्रीय उत्पादनशुल्क तथा सीमाशुल्क, समाहर्ता कार्यालय, शिलांग

केन्द्रीय उत्पादनशुल्क

शिलांग, 25 फरवरी, 1976

का० आ० 231.—केन्द्रीय उत्पादनशुल्क नियम 1944 के नियम 5 के अन्तर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए, मैं, इसके साथ उत्पादक सारणी के स्तम्भ 4 में विनिर्दिष्ट केन्द्रीय उत्पादनशुल्क समाहर्ता-कार्यालय, शिलांग के अधिकारियों को निम्नलिखित सारणी के स्तम्भ 3 में उल्लिखित नियमों के अधीन अपने-अपने अधिकार-क्षेत्र के अन्तर्गत "समाहर्ता" के अधिकारों का प्रयोग करने का अधिकार देता हूँ:—

| क्रम सं० | समाहर्ता को प्रवृत्त शक्तियों का स्वरूप | नियम सं० | जिस अधिकारी को शक्तियों का प्रत्यायीजन किया जाना है उसका मोहवा | सीमाएं यदि कोई हों | विशेष |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| I. खासगरी नीती | | | | | |
| 1. | विशेष कार्यविधि के अन्तर्गत कार्य करने की अनुमति देने के लिये प्रथम विशेष कार्यविधि आवेदन-पत्र स्वीकार करना। | 92 क(1) | अधीक्षक | | |
| 2. | ऐसे निर्माता के संबंध में विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि को माफ करना और/अथवा निर्धारित करना जो उस अवधि के दौरान इस प्रकार की कार्यविधि का लाभ उठाने में असफल रहता है जिस अवधि के लिए अनुमति प्रदान की गई। | 92 क(3) | सहायक-समाहर्ता | | |
| 3. | (क) विशेष कार्यविधि के आवेदन-पत्र के प्रारूप में पुनर्निरीक्षण आवेदन स्वीकार करना। | 92 क(4) | अधीक्षक | | |
| | (ख) जो निर्माता पुनर्निरीक्षण के लिए आवेदन नहीं करता उसके संबंध में विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि को माफ और/अथवा निर्धारित करना। | 92 क(4) | अधीक्षक | 15 दिन से अधिक के विलम्ब को माफ करना। | |
| | | | सहायक-समाहर्ता | 15 दिन से अधिक के विलम्ब को माफ करना। | |
| 4. | शुल्क बायिस्व की संगणना करने के प्रयोजन से कारखाने के बन्द रहने की अवधि को शामिल नहीं करना। | 92 ख स्पष्टीकरण (ग) | सहायक-समाहर्ता | | |
| 5. | निर्माण-कार्य प्रारम्भ करने अथवा बन्द करने के लिए सात दिन से कम की अवधि का नोटिस स्वीकार करना। | 92 ख(3) | अधीक्षक | | |
| 6. | उत्पादनशुल्क लगाने योग्य मास को हटाने के लिए प्रपत्र ए०आर० 8 में आवेदन नहीं कर सकने अथवा साप्ताहिक आधार पर जमा नहीं कर सकने के लिए माफ करना। | 92 ग(2) | अधीक्षक | 2 दिन से अधिक के विलम्ब को माफ करने के लिए। | |
| | | | सहायक-समाहर्ता | 2 दिन से अधिक के विलम्ब को माफ करने के लिए। | |
| 7. | किसी निर्माता को विशेष कार्यविधि का लाभ उठाने से रोकना | 92 ख खण्ड (3) | सहायक समाहर्ता | माफ करने के लिए। | |
| 8. | किसी ऐसे निर्माता के मामले में, जिसने इस कार्यविधि का लाभ नहीं उठाया हो या इन नियमों में निर्धारित किसी शर्त को पूरा नहीं किया हो, विशेष कार्यविधि के उपबन्धों को लागू करने के लिए विवेकाधिकार की समग्र शक्तियों का प्रयोग करना। | 92 थ | *उप-समाहर्ता | | *जहां कोई उप-समाहर्ता नहीं हो वहां इस शक्ति का प्रयोग स्वयं समाहर्ता द्वारा किया जाना है। |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| II. शक्ति-वाहित करघों पर उत्पादित सूती वस्त्र तथा रेशमी वस्त्र | | | | | |
| 1. | विशेष कार्यविधि के अन्तर्गत काम करने की अनुमति देने के लिए प्रथम विशेष कार्यविधि आवेदन-पत्र स्वीकार करना । | 96 झ (1) | अधीक्षक | — | — |
| 2. | निर्धारित अवधि से कम अवधि के लिए प्रथम विशेष कार्यविधि आवेदन पत्र स्वीकार करना । | 96 झ (2) | सहायक समाहर्ता | — | — |
| 3. | जिम अवधि के लिए किसी निर्माता को विशेष कार्यविधि के अन्तर्गत कार्य करने की अनुमति दी गई है उस अवधि में इस कार्यविधि का लाभ नहीं उठा सकने के लिए उसे विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि को निर्धारित करना । | 96 झ (3) | सहायक समाहर्ता | — | — |
| 4. | (क) विशेष कार्यविधि आवेदन-पत्र के प्ररूप में पुनर्नवीकरण आवेदन स्वीकार करना । | 96 झ (4) | अधीक्षक | — | — |
| | (ख) जो निर्माता पुनर्नवीकरण के लिए आवेदन नहीं करता उसके संबन्ध में विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि माफ करना और/अथवा निर्धारित करना । | 96 झ (4) | अधीक्षक | 15 दिन से अनधिक के विलम्ब को माफ करना । | |
| | | | सहायक समाहर्ता | 15 दिन से अधिक के विलम्ब को माफ करना । | |
| 5. | उत्पादन शुरू लगने योग्य माल की निकासी के लिए ए० आर० 6 प्ररूप में आवेदन नहीं करने अथवा त्रैमासिक/वार्षिक जमा नहीं कर सकने के लिए माफ करना । | 96 ट (2) | अधीक्षक | त्रैमासिक आवेदन और त्रैमासिक जमा के मामले में वो दिन से अनधिक के विलम्ब को, वार्षिक आवेदनों और वार्षिक जमा के मामले में 10 दिन से अनधिक के विलम्ब को माफ करना । | |
| | | | सहायक समाहर्ता | उपर्युक्त से अधिक अवधियों के विलम्ब को माफ करना । | |
| 6. | बन्द पड़े कारखानों को उत्पादन-कार्य फिर से आरम्भ करने में विशेष कार्यविधि का लाभ उठाने की अनुमति प्रदान करना । | 96 ड ड | सहायक समाहर्ता | — | — |
| 7. | किसी निर्माता के मामले में विशेष कार्यविधि के उपबन्धों को लागू करने के लिए सकल विवेकाधिकार शक्तियों का प्रयोग करना । | 96 ड ड ड ड | *उप-समाहर्ता | — | *जहाँ कोई उप-समाहर्ता नहीं है वहाँ इस शक्ति का प्रयोग स्वयं समाहर्ता द्वारा किया जाना है । |
| III. सूती धागा, ऊनी धागा और मव 18 ड के अन्तर्गत आने वाला धागा | | | | | |
| 1. | वि० का० के अन्तर्गत कार्य करने की अनुमति देने के लिए प्रथम विशेष कार्यविधि आवेदन-पत्र स्वीकार करना । | 96 फ (1) | अधीक्षक | — | — |
| 2. | निर्धारित से कम अवधि के लिए प्रथम विशेष कार्यविधि आवेदन-पत्र स्वीकार करना । | 96 फ (2) | सहायक समाहर्ता | — | — |
| 3. | जो निर्माता विशेष कार्यविधि को छोड़ने के लिए समय पर नोटिस देने में असफल रहता है उसके संबन्ध में विशेष कार्यविधि के अधीन कार्य करने से प्रतिवारण की अवधि को माफ करना और अथवा निर्धारित करना । | 96 फ (3) | सहायक समाहर्ता | — | — |

| 1 | 2 | 3 | 4 | 5 | 6 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|---------------------------------------------|---|-------------------------------------------------------------------------------------------|
| 4. किसी ऐसे निर्माता के मामले में जिसने इस कार्यविधि का लाभ नहीं उठाया हो अथवा इन नियमों में निर्धारित किसी शर्त को पूरा नहीं किया हो, विशेष कार्यविधि के उपबन्धों को लागू करने के लिए विवेकाधिकार की समग्र शक्तियों का प्रयोग करना। | 96 भ | *उप-समाहर्ता | | | *यहां कोई उप-समाहर्ता नहीं है, वहां इस शक्ति का प्रयोग स्वयं समाहर्ता द्वारा किया जाएगा। |
| IV. बिजली की बैटरी के पुर्जे | | | | | |
| 1. विशेष कार्यविधि के अन्तर्गत कार्य करने की अनुमति देने के लिए प्रथम विशेष कार्यविधि आवेदनपत्र स्वीकार करना। | 96 म (1) | अधीक्षक | | | |
| 2. निर्धारित अवधि से कम अवधि के लिए प्रथम विशेष कार्यविधि आवेदनपत्र स्वीकार करना। | 96 म (2) | अधीक्षक | | | |
| 3. जिस अवधि के लिए किसी निर्माता को विशेष कार्यविधि के अन्तर्गत कार्य करने की अनुमति दी गई है उस अवधि में इस कार्यविधि का लाभ नहीं उठा सकने के लिये उसे विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण को निर्धारित करना। | 96 म (3) | सहायक समाहर्ता | | | |
| 4. (क) विशेष कार्यविधि के आवेदनपत्र के प्ररूप में पुनर्नवीकरण आवेदन स्वीकार करना। | 96 म (4) | अधीक्षक | | | |
| (ख) जो निर्माता पुनर्नवीकरण के लिए आवेदन नहीं करता उसके संबंध में विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि माफ करना और/अथवा निर्धारित करना। | 96 म (4) | अधीक्षक | 15 दिन से अधिक के विलम्ब को माफ करना। | | |
| | | सहायक-समाहर्ता | 15 दिन से अधिक के विलम्ब को माफ करना। | | |
| 5. उत्पादनशुल्क लगने योग्य माल को हटाने के लिए प्रपत्र ए० आर० 9 में आवेदन नहीं कर सकने अथवा मासिक आधार पर जमा नहीं कर सकने के लिए माफ करना। | 96 म (2) | अधीक्षक | 5 दिन से अधिक के विलम्ब को माफ करने के लिए। | | |
| | | सहायक-समाहर्ता | 5 दिन से अधिक के विलम्ब को माफ करने के लिए। | | |
| 6. किसी ऐसे निर्माता के मामले में, जिसने इस कार्यविधि का लाभ नहीं उठाया हो या इन नियमों में निर्धारित किसी शर्त को पूरा नहीं किया हो, विशेष कार्यविधि के उपबन्धों को लागू करने के लिए विवेकाधिकार की समग्र शक्तियों का प्रयोग करना। | 96 यमय | *उप-समाहर्ता | | | *यहां कोई उप-समाहर्ता नहीं है वहां इस शक्ति का प्रयोग स्वयं समाहर्ता द्वारा किया जाना है। |
| V. प्लाइवुड | | | | | |
| 1. विशेष कार्यविधि के अन्तर्गत कार्य करने के लिए अनुमति देने हेतु प्रथम विशेष कार्य विधि आवेदन-पत्र स्वीकार करना। | 96 य क (1) | अधीक्षक | | | |
| 2. निर्धारित अवधि से कम अवधि के लिए प्रथम विशेष कार्यविधि आवेदन-पत्र स्वीकार करना। | 96 य क (2) | अधीक्षक | | | |
| 3. जिस अवधि के लिए किसी निर्माता को विशेष कार्यविधि के अन्तर्गत कार्य करने की अनुमति दी गई है, उस अवधि में इस कार्यविधि का लाभ नहीं उठा सकने के लिए उसे विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि को निर्धारित करना। | 96 य क (3) | सहायक-समाहर्ता | | | |
| 4. (क) विशेष कार्यविधि आवेदनपत्र के प्ररूप में पुनर्नवीकरण आवेदन स्वीकार करना। | 96 य क (4) | अधीक्षक | | | |
| (ख) जो निर्माता पुनर्नवीकरण के लिए आवेदन नहीं करता उसके संबंध में विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि माफ करना और/अथवा निर्धारित करना। | 96 य क (4) | अधीक्षक | 15 दिन से अधिक के विलम्ब को माफ करना। | | |
| | | सहायक-समाहर्ता | 15 दिन से अधिक के विलम्ब को माफ करना। | | |
| 5. उत्पादनशुल्क लगने योग्य माल को निकासी के लिए प्रपत्र ए० आर० 10 में आवेदन नहीं करना अथवा मासिक आधार पर जमा नहीं कर सकने के लिए माफ करना। | 96 य य (2) | अधीक्षक | 5 दिन से अधिक के विलम्ब को माफ करना। | | |
| | | सहायक-समाहर्ता | 5 दिन से अधिक के विलम्ब को माफ करना। | | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|--------------------------------------|--------------------------------------------------------------------------------------------|
| 6 | किसी ऐसे निर्माता के मामले में, जिसने इस कार्यविधि का लाभ नहीं उठाया हो अथवा इन नियमों में निर्धारित किसी शर्त को पूरा नहीं किया हो, विशेष कार्यविधि के उपबन्धों को लागू करने के लिए विवेकाधिकार की समग्र शक्तियों का प्रयोग करना। | 96 य छ | *उप-समाहर्ता | | *जहाँ कोई उप-समाहर्ता नहीं हो, वहाँ इस शक्ति का प्रयोग स्वयं समाहर्ता द्वारा किया जाना है। |
| VI टुकड़ों में, पट्टियों में अथवा कपड़े पर अलग से सिले सितारे के काम में कशीदाकारी | | | | | |
| 1 | विशेष कार्यविधि के अन्तर्गत कार्य करने के लिए अनुमति देने हेतु प्रथम विशेष कार्यविधि आवेदनपत्र स्वीकार करना। | 96 य ज (1) | अधीक्षक | | |
| 2 | निर्धारित अवधि से कम अवधि के लिए प्रथम विशेष कार्यविधि आवेदनपत्र स्वीकार करना। | 96 य ज (2) | सहायक-समाहर्ता | | |
| 3 | (क) विशेष कार्यविधि आवेदनपत्र के प्रारूप में पुनर्नवीकरण आवेदन स्वीकार करना। | 96 य ज (3) | अधीक्षक | | |
| | (ख) पुनर्नवीकरण के लिए जो निर्माता आवेदन नहीं करता उसके सम्बन्ध में विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि को माफ करना और/अथवा निर्धारित करना। | 96 य ज (4) | अधीक्षक | 10 दिन से अधिक के विलम्ब को माफ करना | |
| | | | सहायक-समाहर्ता | 10 दिन से अधिक के विलम्ब को माफ करना | |
| 4 | सामान्य तौर पर अथवा समय पर अथवा निर्धारित अवधि में सम्मिलित शुल्क भ्रष्टा नहीं करने पर शुल्क भ्रष्टा करने के दायित्व को माफ करना। | 96 य ज (4) | सहायक-समाहर्ता | | |
| 5 | किसी ऐसे निर्माता के मामले में, जिसने इस कार्यविधि का लाभ नहीं उठाया हो अथवा इन नियमों में निर्धारित किसी शर्त को पूरा नहीं किया हो, विशेष कार्यविधि के उपबन्धों को लागू करने के लिए विवेकाधिकार की समग्र शक्तियों का प्रयोग करना। | 96 य छ | *उप-समाहर्ता | | *जहाँ कोई उप-समाहर्ता नहीं हो, वहाँ इस शक्ति का प्रयोग स्वयं समाहर्ता द्वारा किया जाना है। |
| VII विद्युत अथवा वाष्प की मदद के बिना प्रक्रिया किये गये सूती वस्त्र | | | | | |
| 1 | विशेष कार्यविधि के अन्तर्गत कार्य करने के लिए अनुमति देने हेतु प्रथम विशेष कार्यविधि आवेदनपत्र स्वीकार करना। | 96 य ज (1) | अधीक्षक | | |
| 2 | निर्धारित अवधि से कम अवधि के लिए प्रथम विशेष कार्यविधि आवेदनपत्र स्वीकार करना। | 96 य ज (2) | अधीक्षक | | |
| 3 | जिस अवधि के लिए किसी निर्माता को विशेष कार्यविधि की अनुमति दी गयी है उस अवधि में विशेष कार्यविधि के अधीन कार्य करने का लाभ नहीं उठा सकने के लिए उचित नोटिस न देने के लिए विशेष कार्यविधि से प्रतिवारण की अवधि निश्चित करना। | 96 य ज (3) | सहायक-समाहर्ता | | |
| 4 | (क) विशेष कार्यविधि आवेदनपत्र के प्रारूप में पुनर्नवीकरण आवेदन स्वीकार करना। | 96 य ज (4) | अधीक्षक | | |
| | (ख) जो निर्माता पुनर्नवीकरण के लिए आवेदन नहीं करता उसके सम्बन्ध में विशेष कार्यविधि के अन्तर्गत कार्य करने से प्रतिवारण की अवधि माफ करना और/अथवा निर्धारित करना। | 96 य ज (4) | अधीक्षक | 15 दिन से अधिक के विलम्ब को माफ करना | |
| | | | सहायक-समाहर्ता | 15 दिन से अधिक के विलम्ब को माफ करना | |
| 5 | उत्पादन शुल्क लगने योग्य माल को हटाने के लिए प्रपत्र ए०आर० 11 में आवेदन नहीं कर सकने अथवा मासिक आधार पर जमा नहीं कर सकने के लिए माफ करना। | 96 य छ | अधीक्षक | 5 दिन से अधिक के विलम्ब को माफ करना | |
| | | | सहायक-समाहर्ता | 5 दिन से अधिक के विलम्ब को माफ करना | |
| 6 | किसी ऐसे निर्माता के मामले में, जिसने इस कार्यविधि का लाभ नहीं उठाया हो या इन नियमों में निर्धारित किसी शर्त को पूरा नहीं किया हो, विशेष कार्यविधि के उपबन्धों को लागू करने के लिए विवेकाधिकार की समग्र शक्तियों का प्रयोग करना। | 96 य प | *उप-समाहर्ता | | *जहाँ कोई उप-समाहर्ता नहीं हो, वहाँ इस शक्ति का प्रयोग स्वयं समाहर्ता द्वारा किया जाना है। |

OFFICE OF THE COLLECTORS, CUSTOMS AND CENTRAL EXCISE : SHILLONG

CENTRAL EXCISES

Shillong, the 25th October, 1976

S. O. 231.—In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944, I empower the Officers of the Central Excise Collectorate, Shillong, specified in Column-4 of the subjoined table to exercise within their respective jurisdiction the powers of "Collector" under the rule, mentioned in Column 3 of the table below : —

| Sl. No. | Nature of powers conferred on Collector | Rule No. | Rank of Officer to whom powers to be delegate | Limitations, if any | Remarks |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| I. KHANDSARI SUGAR | | | | | |
| 1. | To accept first A.S.P. for grant of permission to work under the Special Procedure | 92A(1) | Superintendent | | |
| 2. | To condone and/or determine the period of preclusion from working under the Special Procedure in respect of a manufacturer who fails to avail of such procedure during the period for which permission has been granted. | 92A(3) | Asstt. Collector | | |
| 3. (a) | To accept renewal application in form A.S.P. | 92A(4) | Superintendent | | |
| (b) | To condone and/or to determine the period of preclusion from working Under the Special Procedure in respect of a manufacturer who fails to make an application for renewal. | 92A(4) | Superintendent Asstt. Collector | For condoning delays not exceeding 15 days. For condoning delays exceeding 15 days. | |
| 4. | To exclude the period of closure of unit for purposes of computing the duty liability. | 92B Explanation (c) | Asstt. Collector | | |
| 5. | To accept notice for commencing or closing manufacturing operation of a period shorter than seven days. | 92B(3) | Superintendent | | |
| 6. | To condone failure to make application for removal of excisable goods in form A.R. 8 or to make the weekly deposits. | 92C(2) | Superintendent Asstt. Collector | For condoning delays not exceeding 2 days. For condoning delays exceeding 2 days | |
| 7. | To debar a manufacturer from availing of the Special Procedure. | 92E (Clause III) | Asstt. Collector | | |
| 8. | To exercise overall discretionary powers to apply the provisions of Special Procedure to a manufacturer who has failed to avail himself of the procedure, or to comply with any conditions laid down in rules. | 92F | *Deputy Collector | | *Where there is no Dy. Collector, the power is to be exercised by Collector himself. |
| II. COTTON FABRICS AND SILK FABRICS PRODUCED ON POWERLOOMS | | | | | |
| 1. | To accept first A.S.P. for grant of permission to work under the Special Procedure. | 96I(1) | Superintendent | | |
| 2. | To accept first ASP for a period less than the prescribed period. | 96I(2) | Asstt. Collector | | |
| 3. | To determine the period for which a manufacturer may be precluded from working under the Special Procedure for failure to avail of such procedure during the period for which permission has been granted to him. | 96I(3) | Asstt. Collector | | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 4. (a) To accept renewal application in Form ASP | 96I(4) | Superintendent | | | |
| (b) To condone and/or to determine the period of preclusion from working under the Special Procedure in respect of a manufacturer who fails to make an application for renewal. | 96I(4) | Superintendent Asstt. Collector | | For condoning delays not exceeding 15 days. For condoning delays exceeding 15 days. | |
| 5. To condone failure to make application for removal of excisable goods in form A.R. 6 or to make quarterly/annual deposits | 96K(2) | Superintendent Asstt. Collector | | For condoning delays not exceeding 2 days in the case of quarterly applications and quarterly deposits and delays not exceeding 10 days in the case of annual applications and annual deposits. For condoning delays exceeding the above limits. | |
| 6. To grant permission to avail Special Procedure for closed factories resuming production. | 96MM | Asstt. Collector | | | |
| 7. To exercise overall discretionary powers to apply the provisions of Special Procedure to a manufacturer. | 96MMMM | *Dy. Collector | | | *Where there is no Dy. Collector, the power is to be exercised by Collector himself. |
| III. COTTON YARN, WOOLLEN YARN AND YARN FALLING UNDER ITEM NO. 18E | | | | | |
| 1. To accept first A.S.P. for grant of permission to work under the Special Procedure. | 96V(1) | Superintendent | | | |
| 2. To accept first A.S.P. for a period of shorter than the prescribed period | 96V(2) | Asstt. Collector | | | |
| 3. To condone and/or determine the period of preclusion from working under the Special Procedure in respect of a manufacturer who fails to give timely notice for discontinuation of the procedure. | 96V(3) | Asstt. Collector | | | |
| 4. To exercise over all discretionary powers to apply the provisions of Special Procedure to make a manufacturer who has failed to avail himself of the Procedure or to comply with any conditions laid down in rules. | 96X | *Deputy Collector | | | *Where there is no Deputy Collector, the power is to be exercised by Collector himself. |
| IV. ELECTRIC BATTERY PARTS | | | | | |
| 1. To accept first A.S.P. for grant of permission to work under the Special Procedure. | 96Y(1) | Superintendent | | | |
| 2. To accept first A.S.P. for a period less than the prescribed period. | 96Y(2) | Superintendent | | | |
| 3. To determine the period for which a manufacturer may be precluded from working under the Special Procedure for failure to avail of such procedure during the period for which permission has been granted to him. | 96Y(3) | Assistant Collector | | | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------------|---|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 4. (a) To accept renewal application in form A.S.P. | 96Y(4) | Superintendent | | | |
| (b) To condone and/or to determine the period of preclusion from working under the Special Procedure in respect of a manufacturer who fails to make an application for renewal. | 96Y(4) | Superintendent Asstt. Collector | | For condoning delays not exceeding 15 days. For condoning delays exceeding 15 days. | |
| 5. To condone failure to make application for removal of excisable goods in form A.R. 9 to make monthly deposits. | 96Z(2) | Superintendent Asstt. Collector | | For condoning delays not exceeding 5 days. For condoning delays exceeding 5 days. | |
| 6. To exercise overall discretionary powers to apply the provisions of Special Procedure to a manufacturer who has failed to avail himself of the procedure, or to comply with any conditions laid down in rules. | 96ZZZZ | *Dy. Collector | | | *Where there is no Deputy Collector, the power is to be exercised by Collector himself. |

V. PLYWOOD

| | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------------------|--|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 1. To accept first A.S.P. for grant of permission to work under the Special Procedure. | 96ZA(1) | Superintendent | | | |
| 2. To accept first A.S.P. for a period less than the prescribed period. | 96ZA(2) | Superintendent | | | |
| 3. To determine the period for which a manufacturer may be precluded from working under the Special Procedure for failure to avail of such procedure during the period for which permission has been granted to him. | 96ZA(3) | Asstt. Collector | | | |
| 4. (a) To accept renewal application in form A.S.P. | 96ZA(4) | Superintendent | | | |
| (b) Condone and/or to determine the period of preclusion from working under the Special Procedure in respect of a manufacturer who fails to make an application for renewal. | 96ZA(4) | Superintendent Asstt. Collector | | For condoning delays not exceeding 15 days. For condoning delays exceeding 15 days. | |
| 5. To condone failure to make application for removal of excisable goods in form A.R. 10 or to make monthly deposit. | 96ZD(2) | Superintendent Asstt. Collector | | For condoning delays not exceeding 5 days. For condoning delays exceeding 5 days. | |
| 6. To exercise overall discretionary powers to apply the provisions of Special Procedure to a manufacturer who has failed to avail himself of the procedure, or to comply with any conditions laid down in rules. | 96ZG | *Dy Collector | | | *Where there is no Dy. Collector, the power is to be exercised by Collector himself. |

VI. EMBROIDERY IN PIECE, IN STRIPS OR IN MOTIFS

| | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------------------|--|----------------------------------------------------------------------------------------|--|
| 1. To accept first A.S.P. for grant of permission to work under the Special Procedure. | 96ZH(1) | Superintendent | | | |
| 2. To accept first A.S.P. for a period less than the prescribed period. | 96ZH(2) | Asstt. Collector | | | |
| 3. (a) To accept renewal application in form A.S.P. | 96ZH(3) | Superintendent | | | |
| (b) To condone and/or to determine the period of preclusion from working under the Special Procedure in respect of a manufacturer who fails to make an application for renewal. | 96ZH(4) | Superintendent Asstt. Collector | | For condoning delays not exceeding 10 days. For condoning delays exceeding 10 days. | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------------------|----------------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------|
| 4. To condone liability to pay duty at the normal rates for failure to pay compounded levy in time or in the manner prescribed. | 96ZI(4) | Asstt. Collector | | | |
| 5. To exercise overall discretionary powers to apply the provisions of Special Procedure to a manufacturer who has failed to avail himself of the procedure, or to comply with any conditions laid down in rules. | 96ZM | *Dy Collector | | | *Where there is no Dy. Collector, the power is to be exercised by Collector himself. |
| VII. COTTON FABRICS PROCESSED WITHOUT THE AID OF POWER OR STEAM | | | | | |
| 1. To accept first A.S.P. for grant of permission work under the Special Procedure. | 96ZO(1) | Superintendent | | | |
| 2. To accept first A.S.P. for a period less than the prescribed period. | 96ZO(2) | Superintendent | | | |
| 3. To determine the period for which a manufacturer may be precluded from working, under the Special Procedure for failure to give proper notice for not availing of such procedure during the period for which permission has been granted to him. | 96ZO(3) | Asstt. Collector | | | |
| 4. (a) To accept renewal application in form A.S.P. | 96ZO(4) | Superintendent | | | |
| 4. (b) To condone and/or to determine the period of preclusion from working under the Special Procedure in respect of a manufacturer who failed to make an application for renewal. | 96ZO(4) | Superintendent Asstt. Collector | For condoning delays not exceeding 15 days. For condoning delays exceeding 15 days. | | |
| 5. To condone failure to make application for removal of excisable goods in form A.R. 11 or to make monthly deposits. | 96ZQ(2) | Superintendent Asstt. Collector | For condoning delays not exceeding 5 days. For condoning delays exceeding 5 days. | | |
| 6. To exercise overall discretionary powers to apply the provisions of Special Procedure to a manufacturer who has failed to avail himself of the procedure, or to comply with any conditions laid down in rules. | 96ZU | *Dy Collector | | | *Where there is no Deputy Collector, the power is to be exercised by Collector himself. |

[No. 1/CE/76/C.No.IV-8/2/73/252]

K.S. SAHA, Collector

केन्द्रीय प्रत्यक्षकर बोर्ड

प्रायकर

नई दिल्ली, 15 सितम्बर, 1976

का०शा० 232.—प्रायकर अधिनियम, 1961 (1961 का 43)

की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए और इस संबंध में सभी पूर्वतन प्रादेशों को अधिकांत करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निवेश देता है कि नीचे की साधारण अनुसूची के स्तम्भ 1 में विविध रेंजों के सहायक प्रायकर आयुक्त (अपील) उसके स्तम्भ 2

में की तत्संबंधी प्रविष्टि में विनिर्दिष्ट प्रायकर अधिकारियों, वार्डों और जिलों में प्रायकर या अधिकार से निर्धारित सभी व्यक्तियों और प्रायों के बारे में अपने कृत्यों का पालन करेंगे :—

अनुसूची

| रेंज | प्रायकर सफिल, वार्ड और जिला |
|-----------------------------|-----------------------------|
| 1 | 2 |
| सहायक प्रायकर आयुक्त (अपील) | 1. क-वार्ड, पुणे |
| पुणे रेंज-1, पुणे। | 2. प्रतिरिक्त ज-वार्ड, पुणे |

| 1 | 2 | 1 | 2 |
|---------------------------------------------|---------------------------|---------------------------------------|---|
| 3 ठ-वार्ड, पुणे | | 20 साधारण मुख्यालय सकिल-II, पुणे | |
| 4 ड-वार्ड, पुणे | | 21 साधारण मुख्यालय सकिल-III, पुणे | |
| 5 घ-वार्ड, पुणे | | 22 केन्द्रीय सकिल, पुणे | |
| 6 ब-वार्ड, पुणे | | 1 ख-वार्ड, पुणे | |
| 7 भ-वार्ड, पुणे | | 2 ग-वार्ड, पुणे | |
| 8 विशेष सर्वेक्षण सकिल I, पुणे | सहायक आयकर आयुक्त (अपील) | 3 ड-वार्ड, पुणे | |
| 9 विदेशी खण्ड | पुणे रेंज-III, पुणे | 4 छ-वार्ड, पुणे | |
| 10 वाणिज्य सकिल-I, पुणे | | 5 अतिरिक्त छ वार्ड, पुणे | |
| 11 वाणिज्य सकिल-I, | | 6 ड-वार्ड, पुणे | |
| 12 वाणिज्य सकिल-II, पुणे | | 7 विशेष सर्वेक्षण सकिल, पुणे | |
| 13 अतिरिक्त वाणिज्य सकिल, पुणे । | | 8 अतिरिक्त विशेष सर्वेक्षण सकिल, पुणे | |
| 14 सग्रह सकिल-I, पुणे | | 9 क-वार्ड, शोलापुर | |
| 15 सग्रह सकिल-II, पुणे | | 10 ख-वार्ड, शोलापुर | |
| 16 सग्रह सकिल-III, पुणे | | 11 ग-वार्ड, शोलापुर | |
| 17 सग्रह सकिल-IV, पुणे | | 12 घ-वार्ड, शोलापुर | |
| 18 सग्रह सकिल-V पुणे | | 13 ड-वार्ड, शोलापुर | |
| 19 संपत्ति कर एव जी०टी० सकिल, पुणे | | 14 च-वार्ड, शोलापुर | |
| 20 आयकर कार्यालय प्रशासन, पुणे | | 15 सग्रह सकिल, शोलापुर | |
| 21 क-वार्ड, पानवेल | | 16 विशेष सर्वेक्षण सकिल, शोलापुर | |
| 22 ख-वार्ड, पानवेल | | 17 आयकर कार्यालय, बारसी | |
| 23 ग-वार्ड, पानवेल | | | |
| 24 क-वार्ड, अहमदनगर | | | |
| 25 ख-वार्ड, अहमदनगर | सहायक आयकर आयुक्त (अपील) | 1 क-वार्ड, कोल्हापुर | |
| 26 ग-वार्ड, अहमदनगर | कोल्हापुर रेंज, कोल्हापुर | 2 ख-वार्ड, कोल्हापुर | |
| 27 घ-वार्ड, अहमदनगर | | 3 ग-वार्ड, कोल्हापुर | |
| 28 क-वार्ड, सतारा | | 4 घ-वार्ड, कोल्हापुर | |
| 29 ख-वार्ड, सतारा | | 5 ड-वार्ड, कोल्हापुर | |
| 30 ग-वार्ड, सतारा | | 6 च-वार्ड, कोल्हापुर | |
| 31 घ-वार्ड, सतारा | | 7 छ-वार्ड, कोल्हापुर | |
| 32 अतिरिक्त ग-वार्ड, सतारा | | 8 ज-वार्ड, कोल्हापुर | |
| सहायक आयकर आयुक्त (अपील), पुणे रेंज II-पुणे | | 9 सग्रह सकिल, कोल्हापुर | |
| 1. अतिरिक्त ग-वार्ड, पुणे | | 10 सग्रह सकिल-I, कोल्हापुर | |
| 2. घ-वार्ड, पुणे | | 11 सग्रह सकिल II, कोल्हापुर | |
| 3. च-वार्ड, पुणे | | 12 आ टी ओ, करनजी | |
| 4. छ-वार्ड, पुणे | | 13 क-वार्ड, करनजी | |
| 5. ज-वार्ड, पुणे | | 14 ख-वार्ड, करनजी | |
| 6. ट-वार्ड, पुणे | | 15 विशेष सर्वेक्षण सकिल, कोल्हापुर | |
| 7. ठ-वार्ड, पुणे | | 16 आ टी ओ, रत्नगिरि | |
| 8. त-वार्ड, पुणे | | 17 क-वार्ड, सांगली | |
| 9. ध-वार्ड, पुणे | | 18 ख-वार्ड, सांगली | |
| 10. न-वार्ड, पुणे | | 19 ग-वार्ड, सांगली | |
| 11. द-वार्ड, पुणे | | 20 घ-वार्ड, सांगली | |
| 12. विशेष सर्वेक्षण सकिल-II, पुणे | | 21 ड-वार्ड, सांगली | |
| 13. ब और द वार्ड, पुणे | | 22 सग्रह सकिल, सांगली | |
| 14. ब और द सकिल I, पुणे | | | |
| 15. ब और द सकिल-II, पुणे | | | |
| 16. ब और द सकिल-III, पुणे | सहायक आयकर आयुक्त (अपील) | 1 क-वार्ड, नासिक | |
| 17. ब और द सकिल-IV, पुणे | नासिक रेंज, नासिक | 2. ख-वार्ड, नासिक | |
| 18. साधारण मुख्यालय, पुणे | | 3. ग-वार्ड, नासिक | |
| 19. साधारण मुख्यालय सकिल-I, पुणे | | 4. घ-वार्ड, नासिक | |
| | | 5. ड-वार्ड, नासिक | |

| 1 | 2 |
|---|---------------------------------|
| | 6. ज-वार्ड, नासिक |
| | 7. संग्रह सफिल, नासिक |
| | 8. संग्रह सफिल-I, नासिक |
| | 9. संग्रह सफिल-II, नासिक |
| | 10. विशेष सर्वेक्षण सफिल, नासिक |
| | 11. क-वार्ड, माली गांव |
| | 12. ख-वार्ड, मालीगांव |
| | 13. क-वार्ड, धूलिया |
| | 14. ख-वार्ड, धूलिया |
| | 15. ग-वार्ड, धूलिया |
| | 16. घ-वार्ड, धूलिया |
| | 17. संग्रह सफिल, धूलिया |
| | 18. क-वार्ड, जलगांव |
| | 19. ख-वार्ड, जलगांव |
| | 20. ग-वार्ड, जलगांव |
| | 21. घ-वार्ड, जलगांव |
| | 22. ङ-वार्ड, जलगांव |
| | 23. च-वार्ड, जलगांव |
| | 24. संग्रह सफिल, जलगांव |

सहायक आयकर आयुक्त (अपील),
थाना रेंज, थाना।

1. क-वार्ड, थाना
2. अतिरिक्त क-वार्ड, थाना
3. ख-वार्ड, थाना
4. अतिरिक्त ख-वार्ड, थाना
5. ग-वार्ड, थाना
6. घ-वार्ड, थाना
7. ङ-वार्ड, थाना
8. च-वार्ड, थाना
9. छ-वार्ड, थाना
10. ज-वार्ड, थाना
11. ज-वार्ड, थाना
12. ट-वार्ड, थाना
13. ठ-वार्ड, थाना
14. ड-वार्ड, थाना
15. ढ-वार्ड, थाना
16. त-वार्ड, थाना
17. संग्रह सफिल-I, थाना
18. संग्रह सफिल-II, थाना
19. विशेष सर्वेक्षण सफिल, थाना
20. अतिरिक्त विशेष सर्वेक्षण सफिल, थाना
21. वसूली सफिल-III, थाना
22. पालघर सफिल, पालघर।

जहाँ कोई आयकर सफिल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज को अन्तर्गत हो जाता है, वहाँ उस आयकर सफिल वार्ड या जिले या उसके भाग में किए गए निर्धारणों से उत्पन्न होने वाली और उस रेंज के, जिससे वह आयकर सफिल, वार्ड या जिला या उसका भाग अन्तर्गत हुआ है, सहायक आयकर आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व संवित अपीलें, उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेंज के, जिसको उक्त सफिल, वार्ड या जिला या उसका भाग अन्तर्गत

हुआ है, सहायक आयकर आयुक्त (अपील) को अन्तर्गत की जाएगी और उसके द्वारा उस पर कार्यवाही की जाएगी।

यह अधिसूचना 1-10-1976 से प्रभावी होगी।

[सं० 1483 (फा०सं० 261/16/76-आई टी जे)]

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, 15th September, 1976

S.O. 232.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf, and in supersession of all the previous orders, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Range specified in Col. 1 General Schedule, below shall perform their functions in respect of all persons and income assessed to Income-tax or Super-tax in the Income-tax Circle, Wards and Districts specified in the corresponding entry in Col. 2 thereof.—

SCHEDULE

| Range | Income-tax Circles, Wards and Districts. |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 |
| A.A.C., Poona Range-I, Poona. | 1. A-Ward, Poona. 2. Addl. J-Ward, Poona 3. M-Ward, Poona 4. R-Ward, Poona. 5. S-Ward, Poona 6. W-Ward, Poona 7. X-Ward, Poona 8. S.S.C.I, Poona. 9. Foreign Section. 10. Com. Cir. I, Poona. 11. Com. Circle, I, Poona 12. Com. Cir. II, Poona. 13. Addl. Com. Cir., Poona. 14. Collection Cir.-I, Poona. 15. Collection Circle-II Poona 16. Collection Circle-III, Poona 17. Collection Circle-IV, Poona 18. Collection Circle-V, Poona. 19. W.T. Cum-G.T. Circles, Poona. 20. I.T.O., Admn., Poona. 21. A-Ward, Panvel. 22. B-Ward, Panvel. 23. C-Ward, Panvel. 24. A-Ward, Ahmednagar. 25. B-Ward Ahmednagar. 26. C-Ward, Ahmednagar. 27. D-Ward, Ahmednagar. 28. A-Ward, Satara. 29. B-Ward, Satara. 30. C-Ward, Satara. 31. D-Ward, Satara. 32. Addl. C-Ward, Satara. |

| 1 | 2 | 1 | 2 |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A.A.C., Poona Range-II, Poona | 1. Addl. C-Ward, Poona. 2. D-Ward, Poona. 3. F-Ward, Poona 4. H-Ward, Poona 5. J-Ward, Poona 6. K-Ward, Poona. 7. L-Ward, Poona 8. P-Ward, Poona 9. Q-Ward, Poona 10. T-Ward, Poona 11. U-Ward, Poona. 12. S.S.C.II, Poona 13. S & R, Poona. 14. S&R Cir. I, Poona 15. S & R Circle-II, Poona. 16. S&R Cir. III, Poona. 17. S & R Cir.IV, Poona 18. GHQ, Poona. 19. GHQ-Cir.-I, Poona 20. GHQ. Cir.-II, Poona. 21. GHQ. Cir. -III, Poona 22. Central Circle, Poona | | 17. A-Ward, Sangli. 18. B-Ward, Sangli. 19. C-Ward, Sangli. 20. D-Ward, Sangli. 21. E-Ward, Sangli. 22. Collection Circle, Sangli. |
| A.A.C., Poona Range-III Poona. | 1. B-Ward, Poona. 2. C-Ward, Poona. 3. E-Ward, Poona, 4. G-Ward, Poona 5. Addl. G-Ward, Poona. 6. N-Ward, Poona. 7. S.S.C., Poona 8. Addl. SSC., Poona. 9. A-Ward, Sholapur. 10. B-Ward, Sholapur. 11. C-Ward, Sholapur. 12. D-Ward, Sholapur. 13. E-Ward, Sholapur. 14. F-Ward, Sholapur. 15. Collection Cir. Sholapur. 16. S.S.C., Sholapur. 17. I.T.O. Barsi. | A.A.C., Nasik Range, Nasik | 1. A-Ward, Nasik. 2. B-Ward, Nasik. 3. C-Ward, Nasik. 4. D-Ward, Nasik. 5. E-Ward, Nasik 6. F-Ward, Nasik. 7. Collection Cir., Nasik. 8. Collection Cir. I, Nasik. 9. Collection Cir. II, Nasik. 10. S.S.C., Nasik. 11. A-Ward, Malegaon. 12. B-Ward, Malegaon. 13. A-Ward, Dhulia. 14. B-Ward, Dhulia. 15. C-Ward, Dhulia. 16. D-Ward, Dhulia. 17. Collection Cir., Dhulia. 18. A-Ward, Jalgaon. 19. B-Ward, Jalgaon. 20. C-Ward, Jalgaon. 21. D-Ward, Jalgaon 22. E-Ward, Jalgaon 23. F-Ward, Jalgaon. 24. Collection Circle, Jalgaon. |
| A.A.C., Kolhapur Range, Kolhapur | 1. A-Ward, Kolhapur. 2. B-Ward, Kolhapur. 3. C-Ward, Kolhapur. 4. D-Ward, Kolhapur. 5. E-Ward, Kolhapur. 6. F-Ward, Kolhapur. 7. G-Ward, Kolhapur. 8. H-Ward, Kolhapur. 9. Collection Circle, Kolhapur. 10. Collection Cr.-I, Kolhapur. 11. Collection Cir-II, Kolhapur, 12. I.T.O.'I' Karanji. 13. A-Ward, 'I' Karanji. 14. B-Ward, 'I' Karanji. 15. SSC, Kolhapur. 16. I.T.O. Ratnagiri. | A.A.C., Thana Range, Thana | 1. A-Ward, Thana. 2. Addl. A-Ward, Thana. 3. B-Ward, Thana 4. Addl. B-Ward, Thana. 5. C-Ward, Thana. 6. D-Ward, Thana. 7. E-Ward, Thana. 8. F-Ward, Thana 9. G-Ward, Thana. 10. H-Ward, Thana. 11. J-Ward, Thana. 12. K-Ward, Thana. 13. L-Ward, Thana. 14. M-Ward, Thana. 15. N-Ward, Thana. 16. P-Ward, Thana. 17. Collection Cir.I, Thana. 18. Collection Cir.II, Thana. 19. S.S.C., Thana. 20. Addl. S.S.C. Thana. 21. Recovery Cir.-III, Thana. 22. Palghar Circle, Palghar. |

Where an Income-tax Circle/Wards or District or part thereof stands transferred by this Notification from one Range to another Range, appeal arising out of assessments made in that Income-tax Circle /Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle/Ward or District or part thereof is transferred shall from the date of this Notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the Range to whom the said Circle/Ward or District or part thereof is transferred.

This Notification shall take effect from 1-10-76.

[No. 1483 (F.No. 261/16/76-I.T.J.)]

शुद्धिपत्र

आयकर

का०प्रा० 233.—केन्द्रीय प्रत्यक्ष कर बोर्ड अधिसूचना सं० 1451 (फा०सं० 261/3/76-आई टी जे), तारीख 25-8-76 में—

क्रम सं० 3 सहायक आयकर आयुक्त ट-रेंज, नई दिल्ली की मद सं० (ii) के सामने—

“क्रेक्टर सर्किल, नई दिल्ली” जोड़ा जाएगा।

[सं० 1484 (फा०सं० 261/3/76 आई टी जे)]

CORRIGENDUM

INCOME-TAX

S.O. 233.—In the notification of the Central Board of Direct Taxes No. 1451 (F. No. 261/3/76-ITJ) dated 25-8-76—

Against Sl. No. 3 AAC K-Range, New Delhi item No.

(ii)—

“Contractor's Circle, New Delhi” shall be deleted.

[No. 1484 (F. No. 261/3/76-ITJ)]

आयकर

नई दिल्ली, 30 सितम्बर, 1976

का०प्रा० 234.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड अपनी अधिसूचना सं० 1439 (फा०सं० 261/71/76-आई टी जे) तारीख 13-8-1976, से उपाबद्ध अनुसूची में निम्नलिखित और संशोधन करता है, अर्थात्, :—

उक्त अनुसूची में स्तम्भ 2 में मद (8) में पटियाला रेंज के सामने “(8) खलवर” अन्तःस्थापित किया जाएगा।

यह अधिसूचना 18-10-1976 से प्रभावी होगी।

[सं० 1505 (फा०सं० 261/7/76-आईटीजे)]

INCOME-TAX

New Delhi, the 30th September, 1976

S.O. 234.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes, hereby makes the following further amendment in the Schedule appended to its Notification No. 1439 (F. No. 261/7/76-ITJ) dated 13-8-1976 viz.

In the said Schedule against Patiala Range in column 2 item (viii) shall be inserted as “(viii) Rup Nagar”.

This Notification shall take effect from 18-10-1976.

EXPLANATORY NOTE :

The amendment has become necessary consequent upon the creation of a new Income-tax Circle namely “Rup Nagar Circle”.

(The above note does not form part of the Notification but is intended to be merely clarificatory).

[No. 1505 (F. No. 261/1/76-ITJ)]

शुद्धिपत्र

आयकर

का०प्रा० 235.—केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं० 1458 (फा०सं० 261/8/76-आई टी जे), तारीख 31-8-76 में—

क्रम सं० 4-रेंज 1, कानपुर में, मद सं० (4) के सामने “संपदा शुल्क सर्किल” जोड़ा जाएगा।

[सं० 1508 (फा०सं० 261/8/76-आईटीजे)]

CORRIGENDUM

INCOME-TAX

S.O. 235.—In the Notification of Central Board of Direct Taxes No. 1458 (F. No. 261/8/76-ITJ) dated 31-8-1976

Against Sl. No. 4 Range-I, Kanpur item No. (iv) “Estate Duty Circle” shall be added.

[No. 1506 (F. No. 261/8/76-ITJ)]

आयकर

का०प्रा० 236.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए और इस संबंध में सभी पूर्वतन अधिसूचनाओं को अधिकांत करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निवेश देता है कि नीचे की अनुसूची के स्तम्भ 1 में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अपील) उसके स्तम्भ 2 में की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर सर्किलों, वार्डों और जिलों में आयकर या अधिकार से निर्धारित सभी व्यक्तियों और आयों के बारे में अपने कृत्यों का पालन करेंगे :—

अनुसूची

| क्रम सं० | रेंज | आयकर सर्किल/वार्ड और जिला |
|----------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | सहायक आयकर आयुक्त (अपील) केन्द्रीय रेंज, जयपुर। | 1. केन्द्रीय सर्किल, जयपुर 2. विशेष वार्ड, जयपुर 3. कम्पनी सर्किल, जयपुर |
| 2. | सहायक आयकर आयुक्त (अपील) 'क' रेंज, जयपुर। | 1. घ और ग वार्ड, जयपुर 2. संपदा शुल्क एवं आयकर सर्किल, जयपुर। 3. बेलतन सर्किल, जयपुर 4. विशेष सर्वेक्षण सर्किल, जयपुर 5. 1 भलवर 2. मवाई माधोपुर } स्थित सभी वार्ड/सर्किल |
| 3. | सहायक आयकर आयुक्त (अपील) 'ख' रेंज, जयपुर। | 1. जयपुर के सभी वार्ड/सर्किल उनसे भिन्न जो सं०प्रा० आयुक्त केन्द्रीय रेंज, जयपुर और सं०प्रा० आयुक्त 'क' रेंज, जयपुर में विनिर्दिष्ट हैं। 2. भरतपुर स्थित सभी वार्ड/सर्किल। |
| 4. | सहायक आयकर आयुक्त (अपील) कोटा रेंज, कोटा। | (क) कोटा (ख) बुन्दी (ग) झालवर स्थित सभी वार्ड/सर्किल स्थित। |
| 5. | सहायक आयकर आयुक्त (अपील) अजमेर रेंज, अजमेर। | (क) अजमेर (ख) बेवार (ग) भिलवाड़ा स्थित सभी वार्ड/सर्किल। |
| 6. | सहायक आयकर आयुक्त (अपील) बीकानेर रेंज, बीकानेर। | (क) बीकानेर (ख) श्री गंगानगर (ग) हनुमानगढ़ (घ) नागौर |

| 1 | 2 | 3 |
|--------------------------------|--------------------------------------|-------------------------------|
| | | (क) बुरू |
| | | (ख) मुनमुनू |
| | | (ग) सिकर स्थित सभी वार्ड/सकिल |
| 7. सहायक आयकर आयुक्त (अधीनस्थ) | (क) जोधपुर | |
| जोधपुर रेंज, जोधपुर। | (ख) बारमेर | |
| | (ग) जालोर | |
| | (घ) सिरोंही | |
| | (ङ) पाली स्थित सभी वार्ड/सकिल। | |
| 8. सहायक आयकर आयुक्त (अधीनस्थ) | (क) उदयपुर | |
| उदयपुर रेंज, उदयपुर। | (ख) चित्तौरगढ़ स्थित सभी वार्ड/सकिल। | |

यह अधिसूचना 1-10-1976 से प्रभावी होगी।

[सं० 1507 (फा० सं० 261/7/76/आई टी जे)]

INCOME TAX

S.O.236—In exercise of the powers conferred by sub section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all the previous Notifications in this regard, the Central Board of Direct Taxes, hereby directs that Appellate Assistant Commissioner of Income-tax of the Ranges, specified in column 1 of the Schedule below, shall perform their functions in respect of all persons and income assessed to income-tax or super-tax in the Income-tax Circles/Ward and Districts specified in the corresponding entry in column 2 thereof :

SCHEDULE

| Sl. No. | Range | Income-tax Circles/Wards & Districts. |
|----------------------------------------------------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1. Appellate Assistant, Commissioner of Income Tax, Central Range, Jaipur. | | 1. Central Circles, Jaipur. 2. Special Wards, Jaipur. 3. Companies Circles, Jaipur. |
| 2. Appellate Assistant, Commissioner of Income tax, A-Range, Jaipur | | 1. D & C Wards, Jaipur. 2. Estate Duty Cum I.T. Circle Jaipur. 3. Salary Circles, Jaipur. 4. Special Survey Circles, Jaipur. 5. All Wards/Circles at : (a) Alwar. (b) Sawai Madhopur. |
| 3. Appellate Assistant Commissioner of Income-tax, B-Range, Jaipur. | | 1. All Wards/Circles at Jaipur other than those specified above against AAC, Central Range, Jaipur & AAC, A-Range, Jaipur. 2. All Wards/Circles at Bharatpur. |
| 4. Appellate Assistant, Commissioner of Income-tax, Kota Range, Kota. | | 1. All wards/circles at:— (a) Kota. (b) Bundi. (c) Jhalawar. |

| 1 | 2 | 3 |
|----------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. Appellate Assistant Commissioner of Income-tax, Ajmer Range, Ajmer. | | 1. All wards/circles at : (a) Ajmer. (b) Beawar. (c) Bhilwara. |
| 6. Appellate Assistant Commissioner of Income tax, Bikaner Range, Bikaner. | | 1. All wards/circles at : (a) Bikaner. (b) Sriganganagar (c) Hanumangarh. (d) Nagaur. (e) Churu. (f) Jhunjhunu. (g) Sikari. |
| 7. Appellate Assistant Commissioner of Income tax, Jodhpur Range, Jodhpur. | | 1. All wards/circles at : (a) Jodhpur. (b) Barmer. (c) Jalore. (d) Sirohi. (e) Pali. |
| 8. Appellate Assistant Commissioner of Income-tax, Udaipur Range, Udaipur. | | 1. All wards/circles at : (a) Udaipur. (b) Chittorgarh. |

This Notification shall take effect from 1-10-76.

[No. 1507(F.No. 261/17/76-I.T.J.)]

आयकर

नई दिल्ली, 4 अक्टूबर, 1976

फा० सं० 237.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए और इस संबंध में सभी पूर्वतन सभी अधिसूचनाओं को प्राधिकार से उपान्तरण करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निवेश देता है कि नीचे की अनुसूची के स्तम्भ 2 में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अधीनस्थ) उसके स्तम्भ 3 में की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर सकिलों, वार्डों और जिलों में आयकर या अधिकार से निर्धारित सभी व्यक्तियों और आयों के बारे में अपने कर्तव्यों का पालन करेंगे:—

अनुसूची

| क्रम सं० | रेंज | आयकर सकिल/वार्ड और जिला |
|-------------------------------------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1. विशेष रेंज, नई दिल्ली | | (1) कम्पनी सकिल 2, 7, 12, 13, 14, 16, 19 और 20, नई दिल्ली। (2) व-1 जिला, नई दिल्ली। (3) विशेष सकिल-15, नई दिल्ली। (4) विशेष सकिल-15, (अतिरिक्त) नई दिल्ली। (5) विदेशी खण्ड, नई दिल्ली। |
| 2. सहायक आयकर आयुक्त 'ख' रेंज, नई दिल्ली। | | (1) जिला-3 (19), (20), (21), (22), (23), नई दिल्ली। (2) जिला-7 (1), (2), (3), (4) और (5) नई दिल्ली। (3) विशेष सकिल 8 और 8 (अतिरिक्त), नई दिल्ली। |

| 1 | 2 | 3 |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| | | (4) चिकित्सक सफिल, नई दिल्ली। |
| | | (5) जिला-7 वार्ड क, क(1) और ख नई दिल्ली। |
| | | (6) जिला-3 वार्ड क, क (प्रतिरिक्त), क (प्रतिरिक्त 1), ग और ग (प्रतिरिक्त), नई दिल्ली। |
| | | (7) जिला-ख-1, ख-1(1), ग-1, ग-1(1), ग-II, और ग-III, नई दिल्ली। |
| 3. सहायक आयकर आयुक्त, ई-रेंज, नई दिल्ली। | (1) जिला-8 (1), (2), (2) प्रतिरिक्त (7), (8), (9) और (10), नई दिल्ली। | |
| | (2) जिला-5 (1), (2), (3), (4), (5) और (6) नई दिल्ली। | |
| | (3) जिला-8, वार्ड क, क (प्रतिरिक्त), ख, ख (प्रतिरिक्त) ख (प्रतिरिक्त-1) ख (प्रतिरिक्त-2) ग, घ, ष (1) इ, ए, ए (प्रतिरिक्त), नई दिल्ली। | |
| | (4) क-1, क-2, क-3, क-4, क-4 (1) और 6(1), जिला, नई दिल्ली। | |
| | (5) आयकर एवं संपत्ति कर सफिल 8, नई दिल्ली। | |
| | (6) प्रतिदाय सफिल, नई दिल्ली। | |

जहाँ कोई आयकर सफिल, वार्ड या जिला या उसका भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज को अन्तर्गत हो जाता है, वहाँ उस आयकर सफिल वार्ड या जिले या उसके भाग में किए गए भिन्नारणों से उत्पन्न होने वाली और उस रेंज के, जिससे वह आयकर सफिल, वार्ड या जिला या उसका भाग अन्तर्गत हुआ है, सहायक आयकर आयुक्त (अपील) के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व संबंधित अपीलें, उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उस रेंज के, जिसको उक्त सफिल, वार्ड या जिला या उसका भाग अन्तर्गत हुआ है सहायक आयकर आयुक्त (अपील) को अन्तर्गत की जाएगी और उसके द्वारा उन पर कार्यवाही की जाएगी।

यह अधिसूचना 4-10-76 से प्रभावी होगी।

[सं० 1510 (फा० सं० 261/3/76-आई० टी० जे०)]

INCOME TAX

New Delhi, the 4th October, 1976

S.O. 237.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in partial modification of all previous notification in this regard the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in Column 2 of the schedule below shall perform their functions in respect of the persons and incomes assessed to

Income-tax or Super tax in the Income-tax Circles, Wards, and Districts, specified in the corresponding entry in col. 3. thereof.—

SCHEDULE

| Sl. No. | Ranges. | Income-tax Circles/Wards & Districts. |
|----------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1. Special Delhi. | Range-I, New Delhi. | (i) Companies Circles-II, VII, XII, XIII, XIV, XVI, XIX and XX, New Delhi. (ii) D-I, District, New Delhi. (iii) Special Circle-XV, New Delhi. (iv) Special Circle-XV (Addl.), New Delhi. (v) Foreign Section, New Delhi. |
| 2. A.A.C. 'B' Range, New Delhi. | | (i) District-III (19), (20), (21), (22), & (23) New Delhi. (ii) District-VII (1), (2), (3), (4), and (5), New Delhi. (iii) Special Circles-VIII & VIII (Addl.) New Delhi. (iv) Doctors' Circle, New Delhi. (v) District-VII Ward A, A(1) & B, New Delhi. (vi) District III Wards A, A (Addl.) A (Addl.I) O & O (Addl.), New Delhi. (vii) District B-I, B-I (1), CI, C-II(1) C-II & C-III, New Delhi. |
| 3. A.A.C., 'E' Range, New Delhi. | | (i) District-VIII (1),(2), (2) (Addl.), (7) (8),(9) and (10), New Delhi. (ii) District-V(1), (2),(3),(4), (5) and (6), New Delhi. (iii) District-VIII, Ward A, A (Addl.), B.B(Addl.), B(Addl.I), B(Addl.II) C,D,D (i), E,F,F (Addl.) New Delhi. (iv) A-I, A-II, A-II, A-IV, A-IV (1) I(1), Districts, New Delhi. (v) Income-tax-cum-Wealth-tax Circles-VIII, New Delhi. (vi) Refund Circle, New Delhi. |

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of the assessments made in that income-tax circle, Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of Income-tax of the ranges from whom that Income-tax Circle, Ward or District or part thereof is transferred to and dealt with by the Appellate Assistant Commissioner of the range to whom the said circle, Ward or District or part thereof is transferred.

This notification shall take effect from 4-10-76.

[No. 1510 (F. No. 261/3/76-ITJ)]

आयकर

नई दिल्ली, 13 अक्टूबर, 1976

क्रा०आ० 238.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, समय समय पर यथा संशोधित अपनी अधिसूचना संख्या 1341 ता० 31-5-76 फा०सं० 26/11/76-आई टी जे से अपाबद्ध अनुसूची II में निम्नलिखित संशोधन करता है :

अनुसूची-II में

(1) क्रम सं० 45 क रेंज आसनसोल स्तम्भ 2 और 3 में निम्न-लिखित रखा जाएगा :—

| स्तम्भ 2 | स्तम्भ 3 |
|------------------|-------------------------------------------------------------------------------------|
| 'क' रेंज, आसनसोल | 1. आसनसोल (क से ऊ वाई और अतिरिक्त च वाई) 2. बांकुरा 3. पुरलिया 4. मिदनापुर |

(2) क्रम सं० 46 ख रेंज, आसनसोल के सामने स्तम्भ 2 और 3 में निम्नलिखित रखे जाएंगे :—

| स्तम्भ 2 | स्तम्भ 3 |
|------------------|--------------------------------------------------------------------------------------------|
| 'ख' रेंज, आसनसोल | 1. आसनसोल (क से ऊ वाई से भिन्न और अतिरिक्त च वाई) 2. बर्द्वान 3. बिरभूमि 4. हुगली |

यह आदेश 16-10-1976 से प्रभावी होगा।

[सं० 1520 (फा०सं० 26/11/76-आई टी जे)]

New Delhi, the 13th October, 1976

INCOME-TAX

S.O. 238.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments to the Schedule-II appoind to its Notification No. 1341 dated 31-5-76 in F. No. 261/11/76-ITJ as amended from time to time.

In the Schedule-II,

(1) Against serial 45 for 'A' Range, Asansol in Column 2 and 3 the following shall be substituted:—

| Column 2 | Column 3 |
|---------------------|---------------------------------------------------------------------------------------------|
| 'A' Range, Asansol. | 1. Asansol (A to E Wards and Addl. F. Ward). 2. Bankura. 3. Purulia. 4. Midnapore. |

(2) Against serial 46 for 'B' Range, Asansol in Column 2 and 3 the following shall be substituted.—

| Column 2 | Column 3 |
|---------------------|------------------------------------------------------------------------------------------------------|
| 'B' Range, Asansol. | 1. Asansol (other than A to E Wards and Addl. F. Ward.) 2. Burdwan. 3. Birbhum. 4. Hooghly. |

This order shall take effect from 16-10-76

[No. 1520 (F.No. 261/11/76-ITJ)]

आयकर

क्रा०आ० 239.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड निवेश देता है कि उसकी अधिसूचना संख्या 1193 (फा० सं० 261/19/75-तारीख 1-1-1976 में निम्नलिखित संशोधन किए जाएंगे :—

उक्त अनुसूची के स्तम्भ 1 और 2 में विद्यमान (क) रेंज मद्रास और (ख) रेंज मद्रास के स्थान पर क्रमशः निम्नलिखित रखा जाएगा।

क-रेंज, मद्रास

- (1) कम्पनी सर्किल-II मद्रास (सभी खण्ड)
- (2) सिटी सर्किल-II मद्रास (सभी खण्ड)
- (3) कर वसूली सर्किल, मद्रास
- (4) वेलोर सर्किल
- (5) संपदा शुल्क एवं आयकर सर्किल, मद्रास
- (6) संपदा शुल्क एवं आयकर सर्किल थन्जवुर
- (7) संपदा शुल्क एवं आयकर सर्किल मद्रुराई।
- (8) संपदा शुल्क एवं आयकर सर्किल, कोयम्बटूर।

ख-रेंज, मद्रास

1. सिटी सर्किल-VI, मद्रास
2. सिटी सर्किल VII, मद्रास (सभी खण्ड)
3. विशेष सर्वेक्षण सर्किल, मद्रास सभी खण्ड
4. विदेशी खण्ड, मद्रास
5. प्रतिदाय सर्किल, मद्रास
6. ताम्बरम सर्किल, (सभी खण्ड)
7. कोचीपुरम सर्किल, (सभी खण्ड)
8. बेतन सर्किल, मद्रास
9. बेतन सर्किल-I, मद्रास
10. बेतन सर्किल-II, मद्रास

यह अधिसूचना 15-10-1976 से प्रभावी होगी।

[सं० 1521 (फा०सं० 261/2/76-आई टी जे)]

एस० रामस्वामी, प्रवर सचिव

INCOME-TAX

S.O. 239.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby directs that the following amendments shall be made in its Notification No. 1193 (F. No. 261/19/75-IT(J) dated 1-1-1976 namely :—

In the said schedule under columns 1 and 2 for the existing A-Range, Madras and D-Range, Madras, the following shall be substituted respectively :—

A-Range Madras

1. Companies Circle-II, Madras (all Sections)
2. City Circle-II, Madras (all Sections)
3. Tax Recovery Circle, Madras.
4. Vellore Circle.
5. Estate Duty-cum-Incometax Circle, Madras.
6. Estate Duty-cum-Income-tax Circle. Thanjavur.
7. Estate Duty-cum-Income-tax Circle, Madurai.
8. Estate Duty-cum-Income-tax Circle, Coimbatore.

D-Range, Madras

1. City Circle-VI, Madras.
2. City Circle VII, Madras (all Sections)
3. Special Survey Circle, Madras (all Sections)
4. Foreign Section, Madras.
5. Refund Circle, Madras.
6. Tambaram Circle (all Sections)
7. Kancheepuram Circle (all Sections)
8. Salaries Circle, Madras.
9. Salaries Circle-I, Madras.
10. Salaries Circle-II, Madras.

This Notification shall take effect from 15-10-1976.

EXPLANATORY NOTE :

These amendments have become necessary on account of transfer Salaries Circles from A-Range to D-Range, Madras and transfer of Estate Duty-cum-Income-tax Circles from Range, to A-Range, Madras.

(The above note does not form a part of the Notification but is intended to be merely clarificatory)

[No. 1521(F. No. 261/2/76-ITJ)]
S. RAMASWAMY, Under Secy.

नई दिल्ली, 1 दिसम्बर, 1976

शुद्धि-पत्र

का० आ० 240.—केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश देता है कि उसके आदेश सं० 60 दिनांक 22-7-74 (का० सं० 328/137/74-धन कर) के साथ उपायय मारिजी के क्रम संख्या 15 के सामने स्तम्भ 2 तथा 3 में लिखित प्रविष्टि के स्थान पर निम्नानुसार प्रतिस्थापित किया जाय—

15. आयकर आयुक्त, पुणे-1, पुणे। निरीक्षी सहायक आय-कर आयुक्त, अभिग्रहण रेंज, पुणे।

[सं० 107/76-का० सं० 316/206/76-धन-कर]
एच० एन० मण्डल, अवर सचिव

New Delhi, the 1st December, 1976

CORRIGENDUM

S.O. 240.—The Central Board of Direct Taxes direct that the entry in Column 2 and 3 against Sl. No. 15 in the Table appended to their Order No. 60, dated 22-7-1974 (F. No. 328/137/74-WT) be substituted as under :—

15. Commissioner of Income-tax, Pune-I, Pune.

Inspecting Assistant Commissioner of Income-tax, Acquisition Range, Pune.

[No. 107/76-F. No. 316/206/76-W.T.]
H. N. MANDAL, Under Secy.

वारीगण्यः संवालय

संयुक्त मुख्य-निर्देशक आय-कर-विभागात् का कार्यालय
(सी० एल० ए०), नई दिल्ली

आदेशः

नई दिल्ली, 28 सितम्बर, 1976

का० आ० 241.—सर्वश्री जयन्त लाल सेठ एण्ड सन्स, 12-ए/35-डब्ल्यू ई० ए० करोल बाग, नई दिल्ली-5 को आयात व्यापार नियंत्रण क्रम संख्या 94-94/डी-5 के अन्तर्गत वैज्ञानिक तथा शल्य चिकित्सा सहित चिकित्सा औजारों के आयात के लिए 312 रुपए मास के लिए एक

मुख्यापित आयातक लाइसेंस सं० पी/ई०/0224727/सी/एक्स एक्स/48/डी/37-38, दिनांक 12-10-1973 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि जारी करने के लिए हम आयात पर आवेदन किया है कि मूल प्रति खो गई/अस्थानस्थ हो गई है। लाइसेंसधारी ने आगे यह भी बताया है कि मूल सीमा शुल्क प्रयोजन प्रति सहायक सीमा शुल्क समाहर्ता, अंतर्राष्ट्रीय डाकखाना, नई दिल्ली के पास पंजीकृत कराया गया था और आशिक रूप से उपयोग में लाया गया है। इस घोषणा के समर्थन में आवेदक ने विधिकर साक्ष्यार्थ एक शपथ-पत्र यह शर्तों द्रष्टे दाखिल किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई अथवा अस्थानस्थ हो गई है।

मैं सन्तुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई है तथा निवेश देता हूँ कि आवेदक को लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि जारी की जाती चाहिए। लाइसेंस की मूल सीमा शुल्क प्रयोजना प्रति रद्द की जाती है।

अप्रेष मार्च 75 लाइसेंस अवधि के दौरान आवृत्ति प्रचालन के प्रयोजनार्थ शेष धनराशी को उपयोग में लाने के लिए 312/- रुपए के लिए आवेदक का उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि असल से जारी की जा रही है।

[का० संख्या.—93-94-5/50/ए एम-74/क्यू एल/सी एल ए]

MINISTRY OF COMMERCE

Office of the Joint Chief Controller of Imports and Exports
(Central Licensing Area), New Delhi

ORDER

New Delhi, the 26th September, 1976

S.O. 241.—M/s. Chaman Lal Seth and Sons, 12A/35, W.E.A. Karol Bagh, New Delhi-5 were granted an Established importers licence No. P/E/0224727/C/XX/48/D/37-38 dated 12-10-73 for Rs. 312/- only for import of Scientific and Medical Including Surgical Instruments etc. under I.T.C. S. No. 93-94-(D)-V. They have applied for the duplicate Customs Purpose copy of the said licence on the ground that the original has been lost/Misplaced. It is, further stated by the licensee that the Original Custom Purpose copy of the licence was registered with the Assistant Collector of Customs, Foreign Post Office, New Delhi and has been utilised partly.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the Original Customs Purpose copy of the licence has been lost or misplaced.

I am satisfied that the Original Custom Purpose copy of the said licence has been lost and direct that duplicate Custom Purpose copy of the licence should be issued to the applicant. The Original Custom Purpose copy of the licence is Cancelled.

The applicant is now being issued duplicate Custom Purpose copy of aforesaid licence for Rs. 312/- (Rupees Three Hundred and Twelve only) for utilisation of balance amount for the purpose of repeat operation during the period of AM-75 Licensing Period.

[File No. 93-94-V/50/AM-74/QL/CLA]

आदेश

नई दिल्ली, 27 सितम्बर, 1976

का० आ० 242.—सर्वश्री जयन्तलाल सेठ एण्ड सन्स, 12-ए/35, डब्ल्यू ई० ए०, करोल बाग, नई दिल्ली-5 को उपकरण, यन्त्र तथा औजार का आयात करने के लिए 774/- रुपए के लिए एक मुख्यापित आयातक लाइसेंस सं० पी/ई०/0222876, दिनांक 20-6-73 प्रदान किया गया

या। उन्होंने लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल प्रति सहायक सीमा शुल्क समीक्षा, शिवेशी डाक घर, नई दिल्ली के पास पंजीकृत कराने और भा-
शिक रूप से उपयोग करने के बाद खो गई/अस्थानस्थ हो गई है।

इस तर्क के समर्थन में आवेदक ने विधिवत सांख्यिकित एक प्रपथ पत्र यह दर्शाते हुए दाखिल किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई/अस्थानस्थ हो गई है।

मैं सन्तुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई है तथा निदेश देता हूँ कि आवेदक को लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि जारी की जानी चाहिए। लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति रद्द की जाती है।

अप्रैल-मार्च 75 लाइसेंस अवधि के दौरान आवृत्ति प्रचालन प्रयोजन मात्र उद्देश्य के लिए शेष धनराशि को उपयोग में लाने के लिए आवेदक के 774 रुपये (सात सौ चौहत्तर रुपये मात्र) के लिए उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि अब अलग से जारी की जा रही है।

[क्र० संख्या 92-5/17/ए.एम-74/ब्यू एल/सी एल ए]

श्री० पी० माथुर, उप-मुख्य नियंत्रक,
नूतन मुख्य नियंत्रक

ORDER

New Delhi, the 27th September, 1976

S.O. 242.—M/s. Chamanlal Seth and Sons, 12A/35, W.E.A. Karol Bagh, New Delhi-5 were granted an Established Importers licence No. P/E/0222876 dated 20-6-73 for Rs. 774 for import of Instruments Apparatus and Appliances and parts thereof etc. others as per conditions in the current Red Book under I.T.C. S. No. 92(N)-V. They have applied for the duplicate Customs Purpose copy of the licence on the ground that the Original has been lost/misplaced after having been registered with the Assistant Collector of Customs, Foreign Post, New Delhi and utilized partly.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the original Customs Purpose copy of the licence has been lost/misplaced.

I am satisfied that the original Custom Purpose copy of the said licence has been lost and direct that the duplicate Custom Purpose Copy of the licence should be issued to the applicant. The Original Custom Purpose copy of the licence is cancelled.

The applicant is now being issued duplicate Custom Purpose copy of the aforesaid licence for Rs. 774 (Rupees Seven Hundred and Seventy Four only) for utilisation of balance amount for the purpose of repeat operation only during the period AM-75 Licensing Period.

[F. No. 92-V/17/AM-74/QL/CLA]
D. P. MATHUR, Dy. Chief Controller
for Chief Controller

उप-मुख्य-नियंत्रक, आयात-निर्यात का कार्यालय

रद्द करने का आदेश

देवरवाड, 18 दिसम्बर, 1976

क्र० आ० 243.—सर्वश्री रविन्द्र हरल इन्डस्ट्रीज 11/9, मेन रोड चिनापारमी, पोस्ट, तेनाली तालुक, गन्तूर जिला, आन्ध्र प्रदेश को भारत का खनिज एवं धातु व्यापार नियम सि० मद्रास के साध्यम से 9000 रुपये (केवल नौ हजार रुपये) मूल्य के अंगारगोथी इस्पात फीलों (स्ट्रिप्स) के आइटम के लिए एक रिहाई सं० पी/एस/0021132/भार/इस्पात/43-44 दिनांक 25-10-76 प्रदात किया गया था। उन्होंने रिहाई आवेदन की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया

है कि मूल प्रति आइटम प्राप्त किए बिना ही खो गई/अस्थानस्थ हो गई है।

2. अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम एवं क्रियाविधि हेतु 1976-77 के परिशिष्ट 8 के साथ पड़े जाने वाले पैरा 322 के अन्तर्गत यथा अवस्थित एक शेष पत्र स्टाम्प कागज पर दाखिल किया है। मैं सन्तुष्ट हूँ कि मूल रिहाई आवेदन की प्रति खो गई/अस्थानस्थ हो गई है।

3. अब तक यथा संशोधित आयात (नियंत्रण) आवेदन, 1855 दिनांक 7-12-55 की धारा 9(सीसी) के अन्तर्गत प्रवृत्त अधिकारों का प्रयोग कर, मैं रिहाई आवेदन सं० पी/एस/0021132/भार/इस्पात/43-44 दिनांक 25-12-76 को रद्द करने का आदेश देता हूँ।

4. अब आवेदक के मामले पर आयात व्यापार नियंत्रण नियम एवं क्रियाविधि पुस्तक 1976-77 के पैरा 320 के अनुसार रिहाई आवेदन की अनुलिपि प्रति जारी करने के लिए विचार किया जाएगा।

[संख्या भार-9/एसएस आई/आई एच/ए एम-77/ई०]

के० एम० भार० मेनन, उप-मुख्य नियंत्रक

Office of the Deputy Chief Controller of Imports and Exports CANCELLATION ORDER

Hyderabad, the 18th December, 1976

S.O. 243.—M/s. Ravindra Rural Industries, 11/9, Main Road, Chinaparmi Post, Tenali Taluk, Guntur District A.P., were granted a Release Order No. P/S/0021132/R/W/43-44 dated 25-10-76 for allotment of Stainless Steel Strips valued at Rs. 9,000 (Rupees Nine thousand only) through the Minerals and Metals Trading Corporation of India Limited, Madras. They have now applied for issue of a DUPLICATE copy of the Release Order on the grounds that the Original copy has been lost/misplaced without obtaining the allotment.

2. The applicant has filed an Affidavit on stamped paper in support of their contention as required under Para 322 read with Appendix-8 of the Import Trade Control Hand Book of Rules and Procedure, 1976-77. I am satisfied that the original Release Order copy has been lost/misplaced.

3. In exercise of the powers conferred on me under Clause 9 (cc) of Import (Control) Order, 1955 dated 7-12-55 as amended up to date, I order the cancellation of the Release Order No. P/S/0021132/R/W/43-44 dated 25-10-76.

4. The applicant's case will now be considered for the issue of a duplicate copy of the Release Order in accordance with Para 320 of Import Trade Control Hand Book of Rules and Procedure, 1976-77.

[File No. R-9/SSI/I&S/AM-77/Hyd.]

K. M. R. MENON, Dy. Chief Controller

मुख्य-नियंत्रक, आयात-निर्यात का कार्यालय

आदेश

नई दिल्ली, 29 दिसम्बर, 1976

क्र० आ० 244.—संसार नियंत्रक, दक्षिण रेलवे, मद्रास को संयुक्त राज्य अमेरिका के डायफ्रागम तथा एक्स्ट्रास्ट वाल्व सीट सं० 562350 का आयात करने के लिए 5067 रुपये (पांच हजार सड़सठ रुपये मात्र) के लिए एक आयात लाइसेंस सं० जी/भार/2459126, दिनांक 16-9-75 प्रदान किया गया था। उन्होंने उक्त आयात लाइसेंस (दोनों प्रतिभों) की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल आयात लाइसेंस किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए बिना खो गया/अस्थानस्थ हो गया है और इसके मद्दे नाल कसकता पत्ता पर पहुंचे ही पहुंच गया है। इसके समर्थन में आवेदक ने स्टाम्प कागज

पर एक शपथ-पत्र दाखिल किया है। मैं सन्तुष्ट हूँ कि उपर्युक्त मूल आयात लाइसेंस खो गया है और यह कि इसकी दोनों अनुलिपि प्रतियां आवेदक को जारी की जानी चाहिए।

2. अद्यतन यथा संशोधित आयात व्यापार (नियंत्रण) अधिनियम सं. 17/55, दिनांक 7-12-1955 की धारा 9 (सीसी) के अन्तर्गत प्रवक्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी आयात व्यापार नियंत्रण अनुसूची 50/2 के अन्तर्गत संयुक्त राज्य अमेरिका से डायफ्राम तथा एक्जॉस्ट वाल्व सीट सं. 562350 का आयात करने के लिए सर्वेक्षी भंडार नियंत्रक, वसिणी रेलवे, मद्रास के नाम में जारी किए गए आयात लाइसेंस सं. जी/भार/2459126, दिनांक 16-9-1975 को रद्द करने का आदेश देता है।
[फा० संख्या 98-सी/रेलवे/75-76/जी० एस० एस०/1039]

Office of the Chief Controller of Imports and Exports,
New Delhi

ORDER

New Delhi, the 29th December, 1976

S.O. 244.—Controller of Stores, Southern Railway, Madras was granted an import licence No. G/R/2459126 dated 16-9-75 for Rs. 5,067 (Rupees five thousand and sixty seven) only for import of Diaphragm and exhaust valve seat No. 562350 from U.S.A. He has applied for issue of duplicate (both copies) import licence mentioned above on the ground that the original import licence has been lost/misplaced without having been registered with any Customs Authority and the material against the same has already been arrived at Calcutta Port. In support of this, the applicant has filed an affidavit on stamped paper. I am satisfied that the original import licence mentioned above has been lost and that both duplicate copies thereof should be issued to the applicant.

2. In exercise of powers conferred on me under Clause 9 (cc) of the Import Trade (Control) Order No. 17/55 dated 7-12-1955 as amended from time to time the undersigned cancels the import licence No. G/R/2459126 dated 16-9-75 for the import of Diaphragm and exhaust valve seat No. 562350 from U.S.A. under ITC Schedule 50/II issued in favour of Controller of Stores, Southern Railway, Madras.

[F. No. 98-C/Rly./75-76/GLS/1039]

आदेश

नई दिल्ली, 3 जनवरी, 1977

का० भा० 245.—विद्युत् अधीक्षक अभियन्ता (एस एण्ड पी), बिहार राज्य विद्युत् बोर्ड पटना, को पोटेन्शियल ट्रान्सफार्मर आदि का आयात करने के लिए ला० सं० जी०/ए/1058616 दिनांक 3-1-73 प्रदान किया गया था। विद्युत् अधीक्षक अभियन्ता (एस एण्ड पी) न सूचना दी है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति और मुद्रा विनिमय नियंत्रण प्रयोजन प्रति अस्थानस्थ हो गई है और उनकी अनुलिपि प्रतियां जारी करने के लिए आवेदन किया है।

अपने तर्कों के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी सन्तुष्ट है कि उसकी सीमा शुल्क प्रयोजन प्रति और मुद्रा विनिमय नियंत्रण प्रयोजन प्रति खो गई है और निवेश देता है कि उक्त लाइसेंस की अनुलिपि प्रतियां जारी की जाएं।

लाइसेंस की मूल प्रतियां (सीमा शुल्क और मुद्रा विनिमय) रद्द की जाती हैं। उनकी अनुलिपि प्रति अलग से जारी की जा रही है।

[संख्या 3/एसजी/230/72-73/पीएलएस/बी/1378]

एस० प्रसाद, उप-मुख्य नियंत्रक,
कृते मुख्य नियंत्रक

ORDER

New Delhi, the 3rd January, 1977

S.O. 245.—The Elec. Superintending Engineer (S&P) Bihar State Elec. Board Patna, was granted licence No. G/A/1058616 dated 3-1-73 for the import of Potential Transformers etc. The Elec. Superintending Engineer (S&P) reported that Customs copy and Exchange Control Copy of the licence have been misplaced and has requested to issue duplicate copies of the same.

In support of their contention the applicant has filed a certificate. The undersigned is satisfied that the Customs and Exchange Control copies of the same have been lost and directs that the duplicate copies of the said licence be issued.

The original Copies (Customs and Exchange) of the licence has been cancelled. A duplicate copy of the same is being issued, separately.

[No. 3/SG/230/72-73/PLS/B/1378]

L. PRASAD, Dy. Chief Controller,
for Chief Controller

(तम्बाकू उद्योग विकास नियंत्रण)

नई दिल्ली, 5 जनवरी, 1977

का० भा० 246.—तम्बाकू बोर्ड नियम, 1976 के नियम 3 तथा 4 के साथ पठित, तम्बाकू बोर्ड अधिनियम, 1975 (1975 का 4) की धारा 4 की उपधारा (4) के खण्ड (ग) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री आई० महादेवन, संयुक्त सचिव, औद्योगिक विकास विभाग, उद्योग मंत्रालय, नई दिल्ली को, श्री सी० बी० राव, संयुक्त सचिव, उद्योग मंत्रालय के उस विभाग से स्थानांतरण होने से रिक्त होने वाले स्थान पर, तम्बाकू बोर्ड के सदस्य के रूप में एतद्वारा नियुक्त करती है और भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का० भा० 5417 दिनांक 17 दिसम्बर, 1975 में निम्नोक्त और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "धारा 4 की उपधारा (4) के खण्ड (ग) के उपखण्ड (iv) के अधीन नियुक्त" शीर्षक के अन्तर्गत, निम्नोक्त क्रमांक तथा प्रविष्टियां प्रतिस्थापित की जायेंगी, अर्थात्:—

| | |
|------------------------------|------------------------------------|
| “श्री आई० महादेवन, | सदस्य |
| संयुक्त सचिव, | (औद्योगिक विकास से संबंधित मंत्रा- |
| औद्योगिक विकास विभाग, | लय का प्रतिनिधित्व करने के |
| उद्योग मंत्रालय, उद्योग भवन, | लिए)” |
| नई दिल्ली। | |

[सं० 1(24)/76-ई० पी० (एपी-1)]

एन० के० गुप्त, डैस्क अधिकारी

(TOBACCO INDUSTRY DEVELOPMENT CONTROL)

New Delhi, the 5th January, 1977

S.O. 246.—In exercise of the powers conferred by clause (c) of sub-section (4) of section 4 of the Tobacco Board Act, 1975 (4 of 1975), read with rules 3 and 4 of the Tobacco Board Rules, 1976, the Central Government hereby appoints Shri I. Mahadevan, Joint Secretary, Department of Industrial Development, Ministry of Industry, New Delhi as member of the Tobacco Board in the vacancy caused by the transfer of Shri C. B. Rau, Joint Secretary, Ministry of Industry, from that Department and makes the following further amendment in the notification of the Government of India in the Ministry of Commerce No. S.O. 5417 dated the 17th December, 1975, namely:—

In the said notification, under the heading “Appointed under sub-clause (iv) of clause (c) of sub-section (4) of section 4”,

for Serial No. 8 and the entries relating thereto, the following Serial No. and entries shall be substituted, namely :—

"Shri I. Mahadevan, Joint Secretary,
Department of Industrial Development,
Ministry of Industry,
Udyog Bhavan, New Delhi.

Member,

(To represent the Ministry dealing
with Industrial Development)".

[No. 1(24)/76-E.P. (Agr.-1)]
N. K. GUPTA, Desk Officer

पेट्रोलियम मंत्रालय

नई दिल्ली, 20 दिसम्बर, 1976

क्रा० प्रा० 247.—यतः पेट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का प्रश्न) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना क्र० प्रा० सं० 340 तारीख 20-12-75 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम, प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बघनों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

गेलिकी कूप नम्बर 56 से गेलिकी कूप नम्बर 1
तक की पाइप लाइन

| राज्य—असम | जिला—शिवसागर | तालुक—आठखेल | | | |
|------------------------|--------------|-------------|-----|------------|--|
| ग्राम | सर्वे नम्बर | हेक्टर | ऐरे | सेन्टि-ऐरे | |
| गेलिकी ग्रान्ट नम्बर 1 | 75 ग | 0 | 30 | 10 | |
| | 75ङ | 0 | 2 | 81 | |
| | 75झ | 0 | 9 | 10 | |
| | 172ग | 0 | 0 | 67 | |

[सं० 12020/7/75-एल एण्ड एल-1]

टी० पी० सुब्रह्मनियन, सचिव

MINISTRY OF PETROLEUM

New Delhi, 23 December, 1976

S.O. 247.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 340 dated 20-12-75 under Sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent Authority has under Sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest in this date of the publication of this declaration in the oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from Gelski Well No. 56 connecting Wellhead installation at Gelski Well No. 1.

State : Assam Dist. : Sibsagar Taluk : Athkhel

| Village | Survey No. | hector | Are | Centiare |
|--------------------|------------|--------|-----|----------|
| Gelski Grant No. 1 | 75 Ga | 0 | 30 | 10 |
| | 75 Unga | 0 | 2 | 81 |
| | 75 Jha | 0 | 9 | 10 |
| | 172 Ga | 0 | 0 | 67 |

[No. 12020/7/75-L&L-I]

T. P. SUBRAHMANYAN, Under Secy.

कृषि व सिंचाई मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 27 दिसम्बर, 1976

क्रा० प्रा० 248.—भारतीय कृषि अनुसंधान परिषद द्वारा बनायी गई स्थायी वित्त समिति की नियमावली के विनियम 2(iv) के अनुसरण में तथा कृषि उत्पाद उपकर अधिनियम, 1940 की धारा 7 में निहित व्यवस्था के अनुसरण में, परिषद के शासी निकाय द्वारा निकाय के निम्नलिखित सदस्यों को, दिनांक 9 दिसम्बर, 1976 से एक वर्ष की और अधिक अवधि के लिए अवकाश जब तक उनके उत्तराधिकारियों का निकाय द्वारा विशिष्ट निर्वाचित न हो, तब तक के लिये इनमें से जो भी पहले हों, के लिए उन्हें पुनः परिषद की स्थायी वित्त समिति का सदस्य चुन लिया गया है :—

1. श्री डी० जी० देसाई
लोक सभा सदस्य,
24, सईद अब्दुल्ला बरेलवी रोड,
फोर्ट, बम्बई-400001.

2. श्री भानु प्रताप सिंह,
सचिव, सरदार वल्लभ शाही महाविद्यालय,
भाबुआ, जिला रोहतास, बिहार।

MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Agricultural Research and Education)

New Delhi, the 27th December, 1976

3. प्राध्या० एल० एन० मण्डल,
सकाय अध्यक्ष, कृषि संकाय,
विधान चन्द्र कृषि विश्वविद्यालय,
कल्याणी (पश्चिमी बंगाल)।

S.O. 248.—In pursuance of Regulation 2(iv) of the Standing Finance Committee Regulations framed by the Indian Council of Agricultural Research and in pursuance of provision contained in Section 7 of the A.P. Cess Act, 1940, the following members of the Governing Body of the Council have been re-elected by that Body to be members of the Standing Finance Committee of the Council for a further period of one year with effect from the 9th December, 1976 or till such time as their successors are duly elected by that Body, whichever is later :—

4. डा० जी० रंगास्वामी,
उप-कुलपति,
ममिलनाडु कृषि विश्वविद्यालय,
कोयम्बतूर-3

1. Shri D. D. Desai,
Member, Lok Sabha,
24, Syed Abdullah Brelvi Road,
Port, Bombay-400001.

5. डा० जी० एस० रणधावा,
निदेशक,
भारतीय बागवानी अनुसंधान संस्थान,
255, अपर पैलेस ओर्चार्ड्स,
बंगलूर।

2. Shri Bhanu Pratap Singh,
Secretary, Sardar Vallabhbhai College,
Bhabua, Distt. Rohtas, Bihar.

6. श्री शंकर दयाल सिंह,
महस्य लोक सभा,
पराजित पब्लिकेशंस,
बाक बंगला रोड,
पटना।

3. Prof. L. N. Mandal,
Dean, Faculty of Agriculture,
Bidhan Chandra Krishi Vishwa Vidyalaya,
Kalyani (West Bengal).

7. श्री वी० एस० त्यागराजा मुदालियर,
17/4, नंगम्बकम हाई रोड,
मद्रास।

4. Dr. G. Rangaswami,
Vice-Chancellor,
Tamil Nadu Agricultural University,
Coimbatore-3.

5. Dr. G. S. Randhawa,
Director, Indian Institute of Horticultural Research,
255, Upper Palace Orchards, Bangalore.

6. Shri Shankar Dayal Singh,
Member, Lok Sabha,
Parijat Publications, Dak Bungalow Road, Patna.

7. Shri V. S. Tyagaraja Mudaliar,
17/4 Nungambakkam High Road, Madras.

[सं० 35(1)/76-सीडीएन(I)]

एस० सी० दुता, प्रवर सचिव

[No. 35(1)/76-CDN(I)]

S. C. DUTTA, Dy. Secy.

(खाद्य विभाग)

आदेश

का० आ० 249.—यन. केन्द्रीय सरकार ने खाद्य विभाग क्षेत्रीय खाद्य निदेशालयों उपाप्ति निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यान्नों के प्रय, भण्डारण, संचालन, परिवहन, वितरण तथा विपणन के कृत्यों का पालन करना बन्द कर दिया है जोकि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के कृत्य हैं।

और यन: खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाप्ति निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों में कार्य कर रहे और उपरि-वर्णित कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें विनिर्दिष्ट तारीख के अन्दर भारतीय खाद्य निगम के कर्मचारी बनने के अपने आशय को उक्त अधिनियम की धारा 12 ए की उपधारा (1) के परन्तुक द्वारा प्रपेक्षित सूचना नहीं दी है।

अतः प्रत्येक खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित, की धारा 12 ए द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एन० द्वारा निम्नलिखित कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानांतरित करती है :—

| क्रम सं० | अधिकारी/कर्मचारी का नाम | केन्द्रीय सरकार के अधीन किस पद पर स्थायी हैं | स्थानांतरण के समय केन्द्रीय सरकार के किस पद पर थे | भारतीय खाद्य निगम को स्थानांतरण की तारीख |
|----------|---------------------------|----------------------------------------------|---------------------------------------------------|------------------------------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1 | श्री ई० मिश्रामन | — | उच्च श्रेणी लिपिक | 30-10-70 |
| 2 | श्री प्रार० जी० नागेश्वरन | उच्च श्रेणी लिपिक | —वही— | 22-4-69 |

| 1 | 2 | 3 | 4 | 5 |
|-----------------------------------|---|---------------------------|--------------------------------|----------|
| 3. श्री पी० ए० वेचनारायणन | | उच्च श्रेणी लिपिक | उच्च श्रेणी लिपिक | 31-1-70 |
| 4. श्री आर० जानकीरमन | | एस० ए० एस० एकाउन्टेन्ट | सहायक वेतन तथा लेखा अधिकारी | 1-1-71 |
| 5. श्री आर० रमाराजन | | उच्च श्रेणी लिपिक | एस० ए० एस० एकाउन्टेन्ट | 1-7-70 |
| 6. श्री टी० एन० गोए.काचारी | | -वही- | -वही- | 16-9-70 |
| 7. श्री एम० गुड्डाराव | | -वही- | -वही- | 1-3-69 |
| 8. श्री ई० विश्वनाथन | | -वही- | वरिष्ठ गोबाम लिपिक | 1-3-69 |
| 9. श्री एफ० एक्स० बाके | | -वही- | -वही- | 1-3-69 |
| 10. श्री एम० रामदास | | प्रवर श्रेणी लिपिक | -वही- | 22-4-69 |
| 11. श्री टी० आर० जयरामन | | उच्च श्रेणी लिपिक | -वही- | 1-3-69 |
| 12. श्री श्री० हरनाथ बाबू | | प्रवर श्रेणी लिपिक | उच्च श्रेणी लिपिक | 1-3-69 |
| 13. श्री के० ए० जोन | | उच्च श्रेणी लिपिक | -वही- | 1-3-69 |
| 14. श्री टी० सुब्रह्मनियम | | -वही- | -वही- | 1-3-69 |
| 15. श्री बा० भास्कर राव | | -वही- | -वही- | 1-3-69 |
| 16. श्री ई० एस० आर० राजू | | -वही- | -वही- | 1-3-69 |
| 17. श्री के० मुकुन्दन | | -वही- | -वही- | 1-3-69 |
| 18. श्री टी० ए० कृष्णामूर्ति | | -वही- | -वही- | 1-3-69 |
| 19. श्री आर० रंगनाथन | | -- | -वही- | 1-3-69 |
| 20. श्री आर० कन्नन | | -- | -वही- | 22-4-69 |
| 21. श्री एस० रामानाथन | | प्रवर श्रेणी लिपिक | -वही- | 22-4-69 |
| 22. श्री बी० वियागराज | | -- | -वही- | 22-4-69 |
| 23. श्रीमती जलाजा गंगाराजन | | -- | -वही- | 22-4-69 |
| 24. श्री पी० वीरियन | | -- | -वही- | 22-4-69 |
| 25. श्री एस० गुरुराज राव | | प्रवर श्रेणी लिपिक | -वही- | 22-4-69 |
| 26. श्री टी० जहान | | -वही- | -वही- | 16-9-70 |
| 27. श्री एस० राघवन | | -- | -वही- | 1-7-70 |
| 28. श्री एस० सुब्रह्मनियम | | -- | -वही- | 1-7-70 |
| 29. श्री एस० आर० श्रीवर्ण | | -- | -वही- | 22-8-70 |
| 30. श्री भास्करा रमी रेड्डी | | -- | -वही- | 1-9-70 |
| 31. श्री के० राजकुमार | | प्रवर श्रेणी लिपिक | -वही- | 30-10-70 |
| 32. श्री के० मोहम्मद इकबाल | | -- | -वही- | 30-10-70 |
| 33. कुमारी एस० के० जयलक्ष्मी | | -- | प्रवर श्रेणी लिपिक | 1-7-70 |
| 34. श्री पी० रामचन्द्र राव | | उच्च श्रेणी लिपिक | एस० ए० एस० एकाउन्टेन्ट | 22-4-69 |
| 35. श्री टी० सूर्यनारायण राव | | -- | उच्च श्रेणी लिपिक | 1-3-69 |
| 36. श्री बी० प्रभाकर राव | | -- | -वही- | 1-3-69 |
| 37. श्री पी० सुब्रह्मनियम | | उच्च श्रेणी लिपिक | -वही- | 1-3-69 |
| 38. श्री के० बी० एन० राजू | | -वही- | -वही- | 1-3-69 |
| 39. श्री एन० बी० एच० पी० राजाराव | | -वही- | -वही- | 22-8-70 |
| 40. श्री एस० वीरराघवन | | -- | -वही- | 22-8-70 |
| 41. श्री पी० श्रीरामचन्द्र मूर्ती | | -- | -वही- | 1-9-70 |
| 42. श्री पी० गोपाल कृष्णन कैमल | | -- | -वही- | 4-8-70 |
| 43. श्री एस० राजन | | -- | -वही- | 30-10-70 |
| 44. श्री एस० सारंगपन्ना | | -- | प्रवर श्रेणी लिपिक | 1-7-70 |
| 45. श्री आर० नारायणन | | -- | -वही- | 1-7-70 |
| 46. श्री पी० एस० मुरुगन | | -- | चपरासी | 1-7-70 |
| 47. श्री एस० सुब्बाराव | | -- | उच्च श्रेणी लिपिक | 1-3-69 |

[सं० 52/4/71-एफ० सी० III(खंड 6)]

बदली राम, प्रवर सचिव

(Department of Food)

ORDER

S.O. 249.—WHEREAS the Central Government has ceased to perform the functions of purchase storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directors of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food which under section 13 of the Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

AND, WHEREAS the following officers and employees serving in the Department of Food, the Regional Directorates of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food and engaged in the performance of the functions mentioned above have not, in response to the Circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-section (1) of Section 12A of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by Section 12A of the Food Corporations Act, 1964 (37 of 1964) as amended upto date, the Central Government hereby transfers the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

| Sl. No. | Name of the Officers/ employees | Permanent post held under the Central Govt. | Post held under the Central Govt. at the time of transfer | Date of transfer to the F.C.I. |
|---------|---------------------------------|---------------------------------------------|-----------------------------------------------------------|--------------------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Shri E. Sivaraman | — | U.D.C. | 30-10-70 |
| 2. | Shri R.G. Nageswaran | U.D.C. | SAS Acctt. | 22-4-69 |
| | Shri P.A. Vedanarayanan | Do. | Do. | 31-1-70 |
| 4. | Shri R. Janakizaman | SAS Acctt. | Asstt. Pay & Accounts Officer | 1-1-71 |
| 5. | Shri K. Rangarajan | U.D.C. | SAS Acctt. | 1-7-70 |
| 6. | Shri T.N. Gopalachari | Do. | Do. | 16-9-70 |
| 7. | Shri M. Subba Rao | Do. | Do. | 1-3-69 |
| 8. | Shri E. Viswanathan | Do. | S.G.C. | 1-3-69 |
| 9. | Shri F.X. Varkey | Do. | Do. | 1-3-69 |
| 10. | Shri M. Ramdoss | L.D.C. | Do. | 22-4-69 |
| 11. | Shri T.R. Jayaraman | U.D.C. | Do. | 1-3-69 |
| 12. | Shri V. Harnadha Babu | L.D.C. | U.D.C. | 1-3-69 |
| 13. | Shri K.A. John | U.D.C. | Do. | 1-3-69 |
| 14. | Shri T. Subramanyam | Do. | Do. | 1-3-69 |
| 15. | Shri B. Bhaskara Rao | Do. | Do. | 1-3-69 |
| 16. | Shri D.S.R. Raju | Do. | Do. | 1-3-69 |

| 1 | 2 | | 4 | 5 |
|-----|-------------------------------------|--------|------------|----------|
| 17. | Shri K. Mukundan | U.D.C. | U.D.C. | 1-3-69 |
| 18. | Shri T.A. Krishna- murthy | Do. | Do. | 1-3-69 |
| 19. | Shri R. Ranganathan | — | Do. | 1-3-69 |
| 20. | Shri R. Kannan | — | Do. | 22-4-69 |
| 21. | Shri S. Ramanathan | L.D.C. | Do. | 22-4-69 |
| 22. | Shri V. Thiagaraj | — | Do. | 22-4-69 |
| 23. | Shri Jalaja Ranga- rajan | — | Do. | 22-4-69 |
| 24. | Shri P. Veerian | — | Do. | 22-4-69 |
| 25. | Shri S. Gururaja Rao | L.D.C. | Do. | 22-4-69 |
| 26. | Shri T. Janan | — | Do. | 16-9-70 |
| 27. | Shri S. Raghavan | — | Do. | 1-7-70 |
| 28. | Shri S. Subramanian | — | Do. | 1-7-70 |
| 29. | Shri M.R. Sridharan | — | Do. | 22-8-70 |
| 30. | Shri Bhaskararami Reddy | — | Do. | 1-9-70 |
| 31. | Shri K. Raj Kumar | — | Do. | 30-10-70 |
| 32. | Shri K. Mohd Iqbal | — | Do. | 30-10-70 |
| 33. | Kum. M.K. Jaya- lakshmi | — | L.D.C. | 1-7-70 |
| 34. | Shri P. Ramachandra Rao | U.D.C. | SAS Acctt. | 22-4-69 |
| 35. | Shri T. Suryanarayana Rao | — | U.D.C. | 1-3-69 |
| 36. | Shri B. Prabhakara Rao | — | Do. | 1-3-69 |
| 37. | Shri P. Subramanian | U.D.C. | Do. | 1-3-69 |
| 38. | Shri K.V.N. Raju | Do. | Do. | 1-3-69 |
| 39. | Shri N.V.H.P. Raja Rao | Do. | Do. | 22-8-70 |
| 40. | Shri M. Veeraraghavan | — | Do. | 22-8-70 |
| 41. | Shri P. Sreerama- chandra Murthy | — | Do. | 1-9-70 |
| 42. | Shri P. Gopalakrishna Kaimal | — | Do. | 4-9-70 |
| 43. | Shri M. Rajan | — | Do. | 30-10-70 |
| 44. | Shri L. Sarangapani | — | L.D.C. | 1-7-70 |
| 45. | Shri R. Narayanan | — | Do. | 1-7-70 |
| 46. | Shri P.S. Murugan | — | Peon | 1-7-70 |
| 47. | Shri M. Subba Rao | — | U.D.C. | 1-3-69 |

[No. 52/4/71-FC—III (Vol. VI)]
BAKHSI RAM Dy. Secy.

(कृषि विभाग)

शुद्धि-पत्र

नई दिल्ली, 29 दिसम्बर, 1976

कां० भा० 250.—भारत सरकार के कृषि और सिंचाई मंत्रालय (कृषि विभाग) की 29 अप्रैल, 1976 की अधिसूचना सं० एम० प्रो० 1774 में, जोकि भारत के राजपत्र के भाग 2, खण्ड 3, उप-खण्ड (2) में 29 अप्रैल, 1976 को प्रकाशित हुई थी पृष्ठ सं० 1857-58 पर (1) उक्त अधिसूचना के हिस्सी पाठ में कालम (1) के अन्तर्गत सारणी में "संकर ज्वार सी एस एस-1" के स्थान पर "संकर ज्वार सी एस एस-2" पढ़ें।

- (2) उक्त अधिसूचना के हिन्दी पाठ में क्रम सं० "घ" में "1" के स्थान पर "2" पढ़ें।
- (3) उक्त अधिसूचना के अंग्रेजी पाठ में कालम (1) के अंतर्गत सारणी में "हाइब्रिड जवार सी एस एच-I" के स्थान पर "हाइब्रिड जवार सी एस एच-II" पढ़ें।
- (4) उक्त अधिसूचना के हिन्दी पाठ में क्रम सं० 'डी' में "1" के स्थान पर "2" पढ़ें।

[सं० 7-6/75-एस डी]
सुनील आहुजा, उप-सचिव

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 29th December, 1976

S.O. 250.—In the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Agriculture). No. S.O. 1774 dated the 29th April, 1976, in the Gazette of India, Part II, Section 3, Sub-Section (II) dated 29th April, 1966 :—
at page 1857-58 :—

- (i) In the Hindi Version of the said notification, in the Table Under Column (I) for "Sankar jowar CSS-1" read "Sankar Jowar CSH-II"
- (ii) In the Hindi Version of the said notification at S. No. "gh" for "1" read "2".
- (iii) In the English Version of the said notification, in the Table under column (1) for "Hybrid jowar CSH-1" read "Hybrid jowar CSH-II".
- (iv) In the English Version of the said notification, at S. No. "d" for "1" read "2".

[No. 7-6/75-SD]

SUNIL AHUJA, Dy. Secy.

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 30 दिसम्बर, 1976

क्रा० आ० 251.—केन्द्रीय सरकार, पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधारा (2) और उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उत्तरवर्ती राज्यों तथा राजस्थान राज्य की सरकारों से परामर्श करने के पश्चात्, भारत सरकार के ऊर्जा मंत्रालय, विद्युत् विभाग, की अधिसूचना सं० क्रा० आ० 4500, तारीख 25 दिसम्बर, 1975 से निम्नलिखित संशोधन करती है, अर्थात्:—
उक्त अधिसूचना में,—

- (1) मद्र 16 और उससे संबंधित प्रविष्टि के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात् :—
"16. अध्यक्ष, आखड़ा ब्यास प्रबन्ध बोर्ड ;",
- (2) मद्र 18 और उससे सम्बन्धित प्रविष्टि के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात् :—
"18. मुख्य इंजीनियर विद्युत् (पावर स्टेशन), ब्यास परियोजना ;
- 18 क मुख्य इंजीनियर विद्युत् (पावर स्टेशन), ब्यास परियोजना ;"

[सं० 17/128/67-बी एण्ड बी-खंड 4]

जे० आई० ज्ञानचन्दानी, उप-सचिव

MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 30th December, 1976

S.O. 251.—In exercise of the powers conferred by sub-sections (2) and (3) of Section 80 of the Punjab Reorganisation Act, 1966 (31 of 1966) and in consultation with the Governments of the successor States and the State of Rajasthan, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Energy, Department of Power, number S. O. 4500, dated the 25th September, 1975, namely :—

In the said notification,—

- (i) for item 16 and the entry relating thereto, the following shall be substituted, namely :—

"16. The Chairman, Bhakra Beas Management Board;";

- (ii) for item 18 and the entry relating thereto, the following shall be substituted, namely :—

"18. The Chief Engineer Electrical (Power Stations), Beas Project;

18A. The Chief Engineer Electrical (Transmission), Beas Project;".

[No. 17/128/67-B&B-Vol. IV]

J. I. GIANCHANDANI, Dy. Secy.

(कोयला विभाग)

नई दिल्ली, 31 दिसम्बर, 1976

क्रा० आ० 252.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो सरकार के राजपत्रित अधिकारी के समतुल्य अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो अधिकारी, अपनी अधिकारिता की सीमाओं के भीतर, उक्त सारणी के स्तम्भ (2) में उल्लिखित कोटि के सरकारी स्थानों की बाबत, उक्त अधिनियम द्वारा या उनके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

| अधिकारी का पदनाम | सरकारी स्थानों की कोटियां और अधिकारिता की म्यानीय सीमाएं |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| (1) | (2) |
| सहायक मुख्य कार्मिक अधिकारी, कोल इंडिया लि० (उत्तर-पूर्वी कोलफील्ड क्षेत्र), जिला डिह्रगढ़, भासाम | भासाम के डिह्रगढ़ और सिबसागर जिलों में कोल इंडिया लिमिटेड (उत्तर पूर्वी कोलफील्ड क्षेत्र) के कोलफील्ड क्षेत्र और अन्य सभी स्थान |

[सं० 11025/1/75 सी० ए०/एफ०/पी० आई० पार० I]

(Department of Coal)

New Delhi, the 31st December, 1976

S. O. 252.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised occupants) Act, 1971 (40 of 1971), the Central Govern-

ment hereby appoints the officer mentioned in column(1) of the Table below, being officer equivalent to the rank of gazetted officer of Government to be estate officer for the purpose of the said act, who shall exercise the powers conferred and perform the duties on estate officers by or under the said Act, within the limits of their respective jurisdiction in respect of the categories of public premises specified in column (2) of the said Table:

THE TABLE

| Designation of the officer | Categories of public premises and local limits of jurisdiction |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | (2) |
| Assistant Chief Personnel Officer, Coal India Limited, (North Eastern Coalfield Area), District Dibrugarh, Assam. | Coalfield area and all other premises belonging to Coal India Limited (North Eastern Coalfield Area) in the District of Dibrugarh, and Sibsagar, Assam. |

[No. 11025/1/75-CAF/PIR-I]

का० आ० 253.—सरकारी स्थान (प्रवाधिकृत अधिभोगियों को बेवजली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के निर्माण और आवास मंत्रालय (सम्पदा निदेशालय) की अधिसूचना सं० का० आ० 127 तारीख 4 जनवरी, 1973 को, जहाँ तक उसका सम्बंध उक्त अधिसूचना के नीचे की सारणी के स्तम्भ (1) में प्रस. सं० 8, 9, 10, 13 और 17 के सामने निर्दिष्ट अधिकारियों से है, अधिभोग्य करने हुए केन्द्रीय सरकार नीचे की सारणी के स्तम्भ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों के समतुल्य अधिकारी हैं उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है जो, अपनी अधिकारिता की सीमाओं के भीतर, उक्त सारणी के स्तम्भ (2) में उल्लिखित कोटियों के सरकारी स्थानों की बाबत, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रवर्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगे।

सारणी

| अधिकारी का पदनाम | सरकारी स्थानों की कोटियां और अधिकारिता की स्थानीय सीमाएं |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| (1) | (2) |
| 1. उप मुख्यधिकारी (राजस्व), सेन्ट्रल कोलफील्ड्स लि०, दर-भंगा हाउस, रांची। | वे सारे स्थान जो रांची में सेन्ट्रल कोलफील्ड्स लि० के अधीन हैं। |
| 2. महाप्रबंधक, सेन्ट्रल कोलफील्ड्स लि० का भरगादा क्षेत्र, डाक-घर—सिरका, जिला—हजारीबाग (बिहार) | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड क्षेत्र तथा अन्य सभी स्थान, जो महाप्रबंधक, भरगादा क्षेत्र के प्रशासनिक नियंत्रण में हैं। |
| 3. महाप्रबंधक, सेन्ट्रल कोलफील्ड्स लि० का बरकाकाना क्षेत्र, डाक-घर—बरकाकाना, जिला—हजारीबाग (बिहार) | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड क्षेत्र और अन्य सभी स्थान, जो महा प्रबंधक, बरकाकाना क्षेत्र के प्रशासनिक नियंत्रण में हैं। |

| (1) | (2) |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 4. महाप्रबंधक, सेन्ट्रल कोलफील्ड्स लि० का बोकारो और कारगली क्षेत्र, डाकघर—कारगली जिला—गिरिडीह (बिहार) | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड क्षेत्र और अन्य सभी स्थान जो महाप्रबंधक, बोकारो और कारगली क्षेत्र के प्रशासनिक नियंत्रण में हैं। |
| 5. महाप्रबंधक, हजारीबाग क्षेत्र, जिला हजारीबाग (बिहार) | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड क्षेत्र और अन्य सभी स्थान जो महाप्रबंधक, हजारीबाग क्षेत्र के नियंत्रण में हैं। |
| 6. महाप्रबंधक, सेन्ट्रल कोलफील्ड्स लि० का कटारा क्षेत्र, डाकघर—कटारा जिला—गिरिडीह | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड क्षेत्र और अन्य सभी स्थान जो महाप्रबंधक कटारा क्षेत्र के प्रशासनिक नियंत्रण में हैं। |
| 7. महाप्रबंधक, सेन्ट्रल कोलफील्ड्स लि० का उत्तरी करनपुरा क्षेत्र, डाकघर, डाकघर—खेलारी जिला—रांची (बिहार) | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड्स क्षेत्र और अन्य सभी स्थान जो महाप्रबंधक, उत्तरी करनपुरा क्षेत्र के प्रशासनिक नियंत्रण में हैं। |
| 8. महाप्रबंधक, सेन्ट्रल कोलफील्ड्स लि० का उड़ीसा क्षेत्र, तामचेर, डाकघर—डेरा कोलियरी जिला हैनकनाल (उड़ीसा) | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड क्षेत्र और अन्य सभी स्थान जो महाप्रबंधक, उड़ीसा क्षेत्र के प्रशासनिक नियंत्रण में हैं। |
| 9. महाप्रबंधक, सेन्ट्रल कोलफील्ड्स लि० का सिंगरौली क्षेत्र, डाकघर—सिंगरौली जिला—मीश्री (म० प्र०) | सेन्ट्रल कोलफील्ड्स लि० के वे कोलफील्ड क्षेत्र और अन्य सभी स्थान जो महाप्रबंधक, सिंगरौली क्षेत्र के प्रशासनिक नियंत्रण में हैं। |

[सं० 11025/1/75-सी० ए० एफ०/पी० आई० आर०-2]

S.O. 253.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of notification of the Government of India in the Ministry of Works and Housing (Directorate of Estates) No. S.O. 127 dated the 4th January, 1973, in so far as it relates to the officers specified against serial Nos. 8, 9, 10, 13 and 17 in column (1) of the Table below the said notification, the Central Government hereby appoints the officers mentioned in Column (1) of the Table below, being officers equivalent to the rank of gazetted officers of Government to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the limits of their respective jurisdictions in respect of categories of the public premises specified in Column (2) of the said Table:

THE TABLE

| Designation of the Officer | Categories of the public premises and local limits of jurisdiction |
|----------------------------------------------------|---------------------------------------------------------------------|
| 1 | 2 |
| 1. Deputy Chief (Revenue) Darbhanga House, Ranchi. | All premises belonging to the Central Coalfields Limited at Ranchi. |

| 1 | 2 |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. General Manager, Argada area of the Central Coalfields Limited, P.O. Sirka, District Hazaribagh (Bihar). | Coalfields area and all other premises belonging to the Central Coalfields Limited under the administrative control of the General Manager, Argada area. |
| 3. General Manager, Barkakana area of the Central Coalfields Limited, P.O. Barkakana, District Hazaribagh (Bihar). | Coalfield area and all other premises belonging to the Central Coalfields Limited under the administrative control of the General Manager, Barkakana area. |
| 4. General Manager, Bokaro and Kargali area of the Central Coalfields Limited, P.O. Kargali, District Giridih (Bihar). | Coalfield area and all other premises belonging to the Central Coalfields Limited under the administrative control of the General Manager, Bokaro and Kargali Area. |
| 5. General Manager, Hazaribagh area in the Hazaribagh District (Bihar). | Coalfield area and all other premises belonging to the Central Coalfields Limited under the control of the General Manager, Hazaribagh area. |
| 6. General Manager Kathara area of the Central Coalfields Limited P.O. Kathara, District Giridih. | Coalfields area and all other premises belonging to the Central Coalfield Ltd under the administrative control of the General Manager, Kathara area. |
| 7. General Manager, North Karanpura area of the Central Coalfields Limited, Dakra, P.O. Khelari District Ranchi (Bihar). | Coalfield area and all other premises belonging to the Central Coalfields Limited under the administrative control of the General Manager, North Karanpura area. |
| 8. General Manager, Orissa area of the Central Coalfields Limited, Talcher, P.O. Dera Colliery, Distt. Dhenkanal (Orissa). | Coalfield area and all other premises belonging to the Central Coalfields Limited under the administrative control of the General Manager, Orissa area. |
| 9. General Manager, Singrauli area of the Central Coalfields Limited P.O. Singrauli, District Sidhi (M.P.) | Coalfield area and all other premises belonging to the Central Coalfields Limited under the administrative control of the General Manager, Singrauli area. |

[No. 11025/1/75-CAF/PIR-II]

का० आ० 254. —सरकारी स्थान (अप्राधिकृत अधिकारियों की बेवखली) अधिनियम, 1971 (1971 का 40 की धारा 3 द्वारा प्रवेश शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार नीचे की सारणी के स्तम्भ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो, अपनी अधिकारिता की सीमाओं के भीतर, उक्त सारणी के स्तम्भ (2) में उल्लिखित कोटि के सरकारी स्थानों की बाबत, उक्त अधिनियम या उसके अधीन सम्पदा अधिकारियों को प्राप्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेंगे।

| सारणी | |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| अधिकारी का पदनाम | सरकारी स्थानों की कोटिया और अधिकारिता की स्थानीय सीमाएं |
| (1) | (2) |
| 1. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी ईस्टर्न कोलफील्ड्स लि० का क्षेत्र I, डाकघर—सीतारामपुर, जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य स्थान, जो जिला बर्दवान, पश्चिम बंगाल, में ईस्टर्न कोलफील्ड्स लि० के क्षेत्र I के भाग हैं। |
| 2. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी, ईस्टर्न कोलफील्ड्स लि० का क्षेत्र II, डाकघर—काली-पहाड़ी जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य सभी सरकारी स्थान जो जिला बर्दवान, पश्चिमी बंगाल, में ईस्टर्न कोलफील्ड्स लि० के क्षेत्र II के भाग हैं। |
| 3. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी, ईस्टर्न कोलफील्ड्स लि० का क्षेत्र III, डाकघर—देवचन्द-नगर जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य सभी सरकारी स्थान जो जिला बर्दवान, पश्चिम बंगाल, में ईस्टर्न कोलफील्ड्स लि० के क्षेत्र III के भाग हैं। |
| 4. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी ईस्टर्न कोलफील्ड्स लि० का क्षेत्र IV, डाकघर—तोपोसी जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य सभी सरकारी स्थान, जो जिला बर्दवान, पश्चिम बंगाल, में ईस्टर्न कोलफील्ड्स लि० के क्षेत्र IV के भाग हैं। |
| 5. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी ईस्टर्न कोलफील्ड्स लि० का क्षेत्र V, डाकघर—बहुला जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य सभी सरकारी स्थान जो जिला बर्दवान, पश्चिम बंगाल, में ईस्टर्न कोलफील्ड्स लि० के क्षेत्र V के भाग हैं। |
| 6. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी, ईस्टर्न कोलफील्ड्स लि० का क्षेत्र VI डाकघर—उखरा जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य सभी सरकारी स्थान जो जिला बर्दवान, पश्चिम बंगाल, में ईस्टर्न कोलफील्ड्स लि० के क्षेत्र VI के भाग हैं। |
| 7. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी, ईस्टर्न कोलफील्ड्स लि० का क्षेत्र VII, डाकघर—पांड-वेण्वर जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य सभी सरकारी स्थान जो जिला बर्दवान, पश्चिम बंगाल, में ईस्टर्न कोलफील्ड्स लि० के क्षेत्र VII के भाग हैं। |
| 8. महाप्रबंधक/वरिष्ठ प्रशासन अधिकारी, ईस्टर्न कोलफील्ड्स लि० का क्षेत्र VIII डाकघर—मुगमा जिला—बर्दवान | वे कोलफील्ड्स क्षेत्र और अन्य सभी सरकारी स्थान जो संथाल परगना और धनबाद, बिहार, में ईस्टर्न कोलफील्ड्स लि० VIII के क्षेत्र 8 के भाग हैं। |

[सं० 11022/1/75-सी० ए० पी०/पी० आई० प्रार०]

आई० जे० एस० बुराना, धनसचिव

S.O. 254.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officers mentioned in column (1) of the Table below being Officers equivalent to the rank of gazetted officers of Government to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said act within the limits of their respective jurisdictions in respect of the categories of public premises specified in column (2) of the said Table.

THE TABLE

| Designation of the Officer | Categories of public premises and local limits of jurisdiction |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. General Manager/Senior Administrative Officer, Area-I of the Eastern Coalfields Limited, P.O. Sitarampur, District Burdwan. | Coalfield area and all other premises forming part of Area-I of the Eastern Coalfields Limited in the District of Burdwan, West Bengal. |
| 2. General Manager/Senior Administrative Officer, Area-II of the Eastern Coalfields Limited, P.O. Kalipahari, District Burdwan. | Coalfield area and all other premises forming part of Area-II of the Eastern Coalfields Limited in the District of Burdwan, West Bengal. |
| 3. General Manager/Senior Administrative Officer Area-III of the Eastern Coalfields Limited, P.O. Devchandnagar, District Burdwan. | Coalfield area and all other premises forming part of Area-III of the Eastern Coalfields Limited in the District of Burdwan, West Bengal. |
| 4. General Manager/Senior Administrative Officer, Area-IV, of the Eastern Coalfields Limited, P.O. Topsi, District Burdwan. | Coalfield area and all other premises forming part of Area-IV of the Eastern Coalfields Limited in the District of Burdwan, West Bengal. |
| 5. General Manager/Senior Administrative Officer, Area-V of the Eastern Coalfields Limited, P.O. Bahula, District Burdwan. | Coalfields area and all other premises forming part of Area-V of the Eastern Coalfields Limited in the District of Burdwan, West Bengal. |
| 6. General Manager/Senior Administrative Officer Area-VI of the Eastern Coalfields Limited, P.O. Ukhra, District Burdwan. | Coalfield area and all other premises forming part of Area-VI of the Eastern Coalfields Limited in the District of Burdwan, West Bengal. |
| 7. General Manager/Senior Administrative Officer, Area-VII of the Eastern Coalfields Limited, P.O. Pandaveswar, District Burdwan. | Coalfield area and all other premises forming part of Area-VII of the Eastern Coalfields Limited in the District of Burdwan, West Bengal & Santhal Pargana in Bihar. |
| 8. General Manager/Senior Administrative Officer, Area-VIII of the Eastern Coalfields Limited, P.O. Mugma, District, Dhanbad. | Coalfield area and all other premises forming part of Area-VIII of the Eastern Coalfields Limited in the District of Santhal Pargana and Dhanbad in Bihar. |

[No. 11022/1/75-CAF/PIR-III]
I.J.S. KHURANA, Under Secy.

संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 6 जनवरी, 1977

क्र. 255.—विशाखापत्तनम व सिंहाचलम टेलीफोन एक्सचेंज व्यवस्था के स्थानीय क्षेत्र में बदली किये जाने की बाबत जिन लोगों पर इस परिवर्तन का प्रभाव पड़ने की संभावना है एक सर्वसाधारण सूचना उन सबकी जानकारी के लिए जैसा कि भारतीय तार नियमावली 1951 के नियम 434 (III) (बी-बी) में प्रेषित है विशाखापत्तनम व सिंहाचलम में वालू समाचार पत्रों में निकाला गया था और उनसे कहा गया था कि इस बारे में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 30 दिनों के भीतर क्षेत्र के कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए 21 अगस्त, 1976 को 'इन्डियन एक्सप्रेस' और 'ईनाडू' समाचार पत्रों में प्रकाशित कराई गई थी।

उक्त सूचना के उत्तर में जन साधारण से कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए।

इसलिए अब उक्त नियमावली के नियम 434 (III) (बी-बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महानिदेशक, डाक-तार ने घोषित किया है, कि तारीख 1-2-1977 से विशाखापत्तनम व सिंहाचलम का स्थानीय संशोधित क्षेत्र इस प्रकार होगा :—
विशाखापत्तनम टेलीफोन एक्सचेंज व्यवस्था :

विशाखापत्तनम का स्थानीय क्षेत्र वही होगा जो कि विशाखापत्तनम नगर पालिका के क्षेत्राधिकार के अन्तर्गत पड़ता है।

किन्तु टेलीफोन उपभोक्ता जोकि विशाखापत्तनम नगर पालिका सीमा के बाहर स्थित है तथा उन्हें विशाखापत्तनम टेलीफोन एक्सचेंज व्यवस्था से सेवा प्रदान होती है वे इस व्यवस्था के किसी भी एक्सचेंज से जब तक 5 किलोमीटर दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय शुल्क दर से श्रदायगी करेंगे।

सिंहाचलम टेलीफोन एक्सचेंज व्यवस्था :

सिंहाचलम का स्थानीय क्षेत्र वही होगा जोकि सिंहाचलम टेलीफोन एक्सचेंज से 5 किलोमीटर शरीय दूरी के अन्तर्गत पड़ता है।

किन्तु यह सीमा पूर्व विद्या में विशाखापत्तनम नगर पालिका सीमा तक प्रतिबन्धित होगी।

[संख्या 3-2/74-पी०एच०बी०]

DEPARTMENT OF COMMUNICATIONS

(P&T Board)

New Delhi, the 6th January, 1977

S.O. 255.—Whereas a public notice for revising the local area of Visakhapatnam and Simhachalam Telephone Exchange System was published as required by rule 434 (III) (bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Visakhapatnam & Simhachalam, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers ;

And whereas the said notice was made available to the public on 21st August, 1976 in "Indian Express" and "Eenaadu" newspapers.

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434 (III) (bb) of the said Rules, the Director General Posts

and Telegraphs hereby declares that with effect from 1-2-1977 the revised local area of Visakhapatnam and Simhachalam shall be as under;

Visakhapatnam Telephone Exchange System :

The local area of Visakhapatnam shall cover an area falling under the jurisdiction of Visakhapatnam Municipality :

Provided that the telephone subscribers located outside Visakhapatnam Municipal limit but who are served from Visakhapatnam Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 Kms of any exchange of this system and remain connected to it.

Simhachalam Telephone Exchange System :

The local area of Simhachalam shall cover an area falling within 5 Kms radial distance from Simhachalam Telephone Exchange :

Provided that this limit shall be restricted to the boundary of Visakhapatnam Municipality in the East.

[No. 3-2/74-PHB]

क्र० आ० 256.—सामलकोटा व पेड्डापुलम टेलीफोन एक्सचेंज व्यवस्था के स्थानीय क्षेत्र में बदली किये जाने की बाबत जिन लोगों पर इस परिवर्तन का प्रभाव पड़ने की संभावना है एक सर्वसाधारण सूचना उन सबकी जानकारी के लिए जैसा कि भारतीय तार नियमावली 1951 के नियम 434 (III) (बी-बी) में अपेक्षित है सामलकोटा व पेड्डापुलम में चालू समाचार पत्रों में निकाला गया था और उनसे कहा गया था कि इस बारे में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 30 दिनों के भीतर भेजने का कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए 14 अगस्त, 1976 के अंग्रेजी दैनिक "इन्डियन एक्सप्रेस" व तेलुगु दैनिक 'आंध्र प्रभा' समाचार पत्रों में प्रकाशित कराई गई थी।

उक्त सूचना के उत्तर में जनसाधारण से कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए।

इसलिए अब उक्त नियमावली के नियम 434(III)(बी-बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महानिदेशक डाक-तार ने घोषित किया है कि तारीख 1-2-1977 से सामलकोटा व पेड्डापुलम का स्थानीय संशोधित क्षेत्र इस प्रकार होगा :—

सामलकोटा टेलीफोन एक्सचेंज व्यवस्था :

सामलकोटा का स्थानीय क्षेत्र वही होगा जोकि साखकोटा नगरपालिका के क्षेत्राधिकार में अंतर्गत पड़ता है,

किन्तु वे टेलीफोन उपभोक्ता जोकि सामलकोटा नगरपालिका सीमा के बाहर स्थित हैं तथा जिन्हें सामलकोटा टेलीफोन एक्सचेंज व्यवस्था से सेवा प्रदान होती है वे इस व्यवस्था के किसी भी एक्सचेंज से जब तक 5 किलोमीटर दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय शुल्क दर से अदायगी करेंगे।

पेड्डापुलम टेलीफोन एक्सचेंज व्यवस्था :

पेड्डापुलम का स्थानीय क्षेत्र वही होगा, जो कि पेड्डापुलम नगरपालिका के क्षेत्राधिकार के अंतर्गत पड़ता है, किन्तु वे टेलीफोन उपभोक्ता जोकि पेड्डापुलम नगरपालिका सीमा के बाहर स्थित हैं तथा जिन्हें पेड्डापुलम टेलीफोन एक्सचेंज व्यवस्था से सेवा प्रदान होती है वे इस व्यवस्था के किसी भी एक्सचेंज से जब तक 5 किलोमीटर दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय शुल्क दर से अदायगी करेंगे।

[सं० 3-2/74-पी०एच०बी०]

S.O. 256.—Whereas a public notice for revising the local area of Samalkota and Peddapuram Telephone Exchange System was published as required by rule 434 (III)(bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Samalkota and Peddapuram, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 14th August, 1976 in newspapers English daily, "Indian Express" and Telugu daily 'Andhra Prabha';

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the power conferred by rule 434 (III)(bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 1-2-1977 the revised local area of Samalkota & Peddapuram shall be as under;

Samalkota Telephone Exchange System :

The local area of Samalkota shall cover an area falling under the jurisdiction of Samalkota Municipality :

Provided that the telephone subscribers located outside Samalkota Municipal limit but who are served from Samalkota Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 Kms of any exchange of this system and remain connected to it.

Peddapuram Telephone Exchange System :

The local area of Peddapuram shall cover an area falling under the jurisdiction of Peddapuram Municipality :

Provided that the telephone subscribers located outside Peddapuram Municipal limit but who are served from Peddapuram Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 Kms of any exchange of this system and remain connected to it.

[No. 3-2/74-PHB]

क्र० आ० 257.—तिरुपती टेलीफोन एक्सचेंज व्यवस्था के स्थानीय क्षेत्र में बदली किये जाने की बाबत जिन लोगों पर इस परिवर्तन का प्रभाव पड़ने की संभावना है एक सर्वसाधारण सूचना उन सबकी जानकारी के लिए जैसा कि भारतीय तार नियमावली 1951 के नियम 434(III) (बी-बी) में अपेक्षित है तिरुपती में चालू समाचार पत्रों में निकाला गया था और उनसे कहा गया था कि इस बारे में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 30 दिनों के भीतर भेजने का कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए 20 जुलाई, 1976 को अंग्रेजी दैनिक "हिन्दू" तेलुगु दैनिक "आन्ध्रप्रभा" व "आन्ध्रपन्निका" तथा 23 जुलाई 1976 के अंग्रेजी दैनिक "इन्डियन एक्सप्रेस" (मद्रास व बंगलोर से प्रकाशित) समाचार पत्रों में प्रकाशित कराई गई थी।

उक्त सूचना के उत्तर में जनसाधारण से कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए।

इसलिए अब उक्त नियमावली के नियम 434(III) (बी-बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महानिदेशक डाकघर ने घोषित किया है, कि तारीख 1-2-1977 से तिरुपती का स्थानीय संशोधित क्षेत्र इस प्रकार होगा :—

तिरुपती टेलीफोन एक्सचेंज व्यवस्था :

तिरुपती का स्थानीय क्षेत्र वही होगा जोकि तिरुपती नगरपालिका के क्षेत्राधिकार के अंतर्गत पड़ता है ;

किन्तु वे टेलीफोन उपभोक्ता जोकि तिरुपती नगरपालिका सीमा के बाहर स्थित हैं तथा जिन्हें तिरुपती टेलीफोन एक्सचेंज व्यवस्था से सेवा

प्रदान होती है वे इस व्यवस्था के किसी भी एक्सचेंज से जब तक 5 किलोमीटर दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय शुल्क दर से प्रदायगी करेंगे।

[सं० 3-2/74-पी०एच०बी०]

S.O. 257.—Whereas a public notice for revising the local area of Tirupathi Telephone Exchange System was published as required by rule 434 (III)(bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Tirupathi, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 20th July, 1976 in newspapers English daily "Hindu", Telugu dailies "Andhra Patrika" and "Andhra Prabha" and on 23rd July, 1976 in English daily "Indian Express" (Madras & Bangalore Editions).

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the power conferred by rule 434 (III) (bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 1-1-1977 the revised local area of Tirupathi shall be as under;

Tirupathi Telephone Exchange System :

The local area of Tirupathi shall cover an area falling under the jurisdiction of Tirupathi Municipality.

Provided that the telephone subscribers located outside Tirupathi Municipal limit but who are served from Tirupathi Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 Kms of any exchange of this system and remain connected to it.

[No. 3-2/74-PHB]

का० आ० 258.—तिरुनेलवेली और पालम कोट्टाह टेलीफोन एक्सचेंज व्यवस्था के स्थानीय क्षेत्र में बदली किये जाने की बाबत जिन लोगों पर इस परिवर्तन का प्रभाव पड़ने की सम्भावना है एक सर्वसाधारण सूचना उन सबकी जानकारी के लिए जैसा कि भारतीय तार नियमावली 1951 के नियम 434 (III) (बी-बी) में प्रपेक्षित है। तिरुनेलवेली और पालम कोट्टाह में चालू समाचार पत्रों में निकाला गया था और उनसे कहा गया था कि इस बारे में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 30 दिनों के भीतर भेजने का कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए 2 जुलाई, 1976 को "इण्डियन एक्सप्रेस" समाचार पत्र में प्रकाशित कर दी गई थी।

उक्त सूचना के उत्तर में जनसाधारण से कोई आपत्तियां और सुझाव प्राप्त नहीं हुए।

इसलिए अब उक्त नियमावली के नियम 434 (III) (बी-बी) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए महानिदेशक, डाक-तार ने घोषित किया है, कि तारीख 1-2-1977 से तिरुनेलवेली और पालम कोट्टाह का स्थानीय संशोधित क्षेत्र इस प्रकार होगा:—

तिरुनेलवेली टेलीफोन एक्सचेंज व्यवस्था तिरुनेलवेली का स्थानीय क्षेत्र बही होगा जोकि तिरुनेलवेली नगरपालिका के क्षेत्राधिकार के अन्तर्गत पड़ता है;

किन्तु वे टेलीफोन उपभोक्ता जो कि तिरुनेलवेली नगर पालिका सीमा के बाहर स्थित है किन्तु जिन्हें तिरुनेलवेली टेलीफोन एक्सचेंज व्यवस्था से सेवा प्रदान होती है वे इस व्यवस्था के किसी भी एक्सचेंज से जब तक 5 किलोमीटर दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय शुल्क दर से प्रदायगी करेंगे

पालमकोट्टाह टेलीफोन एक्सचेंज व्यवस्था :

पालमकोट्टाह का स्थानीय क्षेत्र वही होगा जो कि पालम कोट्टाह नगरपालिका के क्षेत्राधिकार के अन्तर्गत पड़ता है,

किन्तु वे टेलीफोन उपभोक्ता जो कि पालमकोट्टाह नगर पालिका सीमा के बाहर स्थित है किन्तु जिन्हें पालमकोट्टाह टेलीफोन एक्सचेंज व्यवस्था से सेवा प्रदान होती है, वे इस व्यवस्था के किसी भी एक्सचेंज से जब तक 5 किलोमीटर दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय शुल्क दर से प्रदायगी करेंगे।

[सं० 3-13/74-पी०एच०बी०]

प्रा० ना० कोल, निदेशक

S.O. 258.—Whereas a public notice for revising the local area of Tirunelveli and Palamcottah Telephone Exchange Systems was published as required by rule 434 (III)(bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Tirunelveli & Palamcottah inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 2nd July 1976 in 'Indian Express' newspaper.

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the power conferred by rule 434 (III) (bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 1-2-77 the revised local area of Tirunelveli & Palamcottah shall be as under;

Tirunelveli Telephone Exchange System :

The local area of Tirunelveli shall cover an area falling under the jurisdiction of Tirunelveli Municipality ;

Provided that the telephone subscribers located outside Tirunelveli Municipal limit but who are served from Tirunelveli Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 Kms of any exchange of this system and remain connected to it.

Palamcottah Telephone Exchange System :

The local area of Palamcottah shall cover an area falling under the jurisdiction of Palamcottah Municipality ;

Provided that the telephone subscribers located outside Palamcottah Municipal limit but who are served from Palamcottah Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 Kms of any exchange of this system and remain connected to it.

[No. 3-13/74-PHB]

P. N. KAUI, Director

नई दिल्ली, 11 जनवरी, 1977

का० आ० 259.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 431 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने हवलाल टेलीफोन केन्द्र में दिनांक 1-2-77 से प्रभावित दर प्रणाली लागू करने का निषेध किया है।

[संख्या 5-5/77-पी०एच०बी०]

New Delhi the 11th January, 1977

S.O. 259.—In pursuance of para (a) of section III of Rule 434 of Indian Telegraph Rules, 1951 as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-1977 as the date on which the Measured Rate System will be introduced in Halol Telephone Exchange, Gujarat Circle.

[No. 5-5/77-PHB.]

क्रा० आ० 260 —स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कारवार टेलीफोन केंद्र में दिनांक 1-2-77 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-6/77-पी० एच० बी०]

S.O. 260—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-77 as the date on which the Measured Rate System will be introduced in Karwar Telephone Exchange, Karnataka Circle.

[No. 5-6/77-PHB]

नई दिल्ली, 12 जनवरी, 1977

क्रा. आ. 261—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बेगूसराय टेलीफोन केंद्र में दिनांक 1-2-77 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-8/77-पी.एच.बी.]

New Delhi, the 12th January, 1977

S.O. 261.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951 as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-77 as the date on which the Measured Rate System will be introduced in Begusurai Telephone Exchange, Bihar Circle.

[No. 5-8/77-PHB]

नई दिल्ली, 13 जनवरी, 1977

क्रा. आ. 262.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बान्सवारा टेलीफोन केंद्र में दिनांक 1-2-77 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-9/77-पी.एच.बी.]

New Delhi, the 13th January, 1977

S.O. 262.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-77 as the date on which the Measured Rate System will be introduced in Banswara Telephone Exchange, Rajasthan Circle.

[No. 5-9/77-PHB]

नई दिल्ली, 14 जनवरी, 1977

क्रा. आ. 263.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बोलनगर टेलीफोन केंद्र में दिनांक 1-2-77 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-7/77-पी.एच.बी.]

म. च. वर्मा, सहायक महानिदेशक (पी.एच.बी.)

New Delhi, the 14th January, 1977

S.O. 263.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1-2-77 as the date on which the Measured Rate System will be introduced in Bolangir Telephone Exchange, Orissa Circle.

[No. 5-7/77-PHB]

M. C. VERMA, Asstt. Director General (PHB)

रेल मंत्रालय

(रेल बोर्ड)

नई दिल्ली, 12 जनवरी, 1977

क्रा० आ० 264.—भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 56 ख की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, अपना यह समाधान हो जाने पर कि किसी रेलवे स्टेशन तक केवल माल को ले जाने के लिए आश्रयित रेल गाड़ियों द्वारा बुक किए गए माल का, ऐसे स्टेशन से अखिलम्ब हटाया जाना आवश्यक है और उस उपधारा के परन्तुक में विनिर्दिष्ट बातों को ध्यान में रखते हुए निम्नलिखित रेल स्टेशनों का 1-2-77 से 6 महीने की अवधि के लिए "अधिमूर्चित स्टेशन" घोषित करती है, अर्थात्—

1. मुम्बई (बाड़ी बन्दर)
2. नागपुर
3. हावड़ा गुड्डम
4. चितपुर
5. काशीपुर रोड
6. उलाहाबाद
7. कानपुर सेन्ट्रल गुड्डम शीट (ब्राड गेज)
8. नई दिल्ली
9. मद्रास सार्वट कोटार्स
10. एर्णाकुलम गुड्डम
11. बगलौर मिटी जंक्शन
12. रायपुरम
13. कालीकट
14. मिकन्दराबाद
15. हैदराबाद
16. विजयवाड़ा
17. कोल्हापुर (गुड्डम सार्कट)
18. सतलनगर
19. मौला ग्रामी
20. शाहीमार
21. राप्ती
22. टाटानगर
23. न्यू गुवाहाटी
24. न्यू जलपाईगुडी
25. धांकरिया
26. बड़ौदा जंक्शन
27. असरवा जंक्शन
28. मुम्बई (कानिक ब्रिज)

[संख्या टी० सी० 1/1680/75/2]

बी० माहन्ती, सचिव, रेल बोर्ड और पवेन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 12th January, 1977

S.O. 264.—In exercise of the powers conferred by sub-section (2) of section 56B of the Indian Railways Act, 1890 (9 of 1890), the Central Government, being satisfied that it is necessary that the goods booked by trains intended solely for the carriage of goods to any railway station should be removed without delay from such railway station and having regard to the factors specified in that sub-section, hereby declares the following railway stations as "notified stations" for a further period of six months with effect from the 1st February, 1977, namely :—

1. Bombay (Wadi Bunder)
2. Nagpur
3. Howrah Goods
4. Chitpur
5. Cossipur Road
6. Allahabad
7. Kanpur Central Goods Shed (Broad Gauge)
8. New Delhi
9. Madras Salt Cotaurs
10. Ernakulam Goods
11. Bangalore City Junction
12. Royapuram
13. Calicut
14. Secunderabad
15. Hyderabad
16. Vijayawada
17. Kolhapur (Gur Market)
18. Sanatnagar
19. Maula Ali
20. Shalimar
21. Ranchi
22. Tatanagar
23. New Gauhati
24. New Jalpaiguri
25. Kankaria
26. Baroda Junction
27. Asarva Junction
28. Bombay (Carnac Bridge)

[No. TCI/1680/75/2]

B. MOHANTY, Secretary, Railway Board
and Ex-Officio Joint Secretary

श्रम मंत्रालय

नई दिल्ली, 22 दिसम्बर, 1976

का० आ० 265.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 4 के उपपैरा (1) के खण्ड (क) और (ख) के अनुसरण में सचिव, गुजरात सरकार, श्रम, समाज कल्याण और जनजातीय विकास विभाग को सचिव, गुजरात सरकार, शिक्षा और श्रम विभाग के स्थान पर गुजरात सरकार के लिए प्रादेशिक समिति के अध्यक्ष के रूप में और उपसचिव, गुजरात सरकार, श्रम, समाज कल्याण और जनजातीय विकास विभाग और वित्त सलाहकार गुजरात सरकार, श्रम, समाज कल्याण और जनजातीय विकास विभाग को क्रमशः उपसचिव, गुजरात सरकार, शिक्षा और श्रम विभाग और वित्त सलाहकार, शिक्षा और श्रम विभाग के स्थान पर उक्त प्रादेशिक समिति के सदस्यों के रूप में नियुक्त करती है, और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 2143 तारीख 9 अगस्त, 1974 में निम्नलिखित मशौधन करती है, अर्थात् :—

उक्त अधिसूचना में, क्रम सं० 1, 2 और 3 और उनसे सम्बन्धित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

अध्यक्ष

1. सचिव, गुजरात सरकार, श्रम समाज कल्याण केन्द्रीय सरकार द्वारा और जनजातीय विकास विभाग, सचिवालय, नियुक्त गान्धीनगर, गुजरात।

सदस्य

2. उपसचिव, गुजरात सरकार, श्रम समाज कल्याण और जनजातीय विकास विभाग, सचिवालय, गान्धीनगर, गुजरात।
3. वित्त सलाहकार, गुजरात सरकार, श्रम, समाज कल्याण और जनजातीय विकास विभाग, सचिवालय, गान्धीनगर, गुजरात।

[सं० वी-20012(5)/72-पी० एफ० 2]

MINISTRY OF LABOUR

New Delhi, the 22nd December, 1976

S.O. 265—In pursuance of clauses (a) and (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1932, the Central Government hereby appoints the Secretary to the Government of Gujarat, Labour, Social Welfare and Tribal Development Department as the Chairman of the Regional Committee for the State of Gujarat vice the Secretary to the Government of Gujarat, Education and Labour Department, and the Deputy Secretary to the Government of Gujarat, Labour Social Welfare and Tribal Development Department and the Financial Adviser to the Government of Gujarat, Labour, Social Welfare and Tribal Development Department as the members of the said Regional Committee vice the Deputy Secretary to the Government of Gujarat, Education and Labour Department and the Financial Adviser, Education and Labour Department, respectively, and makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 2143, dated the 9th August, 1974, namely :—

In the said notification, for serial numbers 1, 2 and 3 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely :—

CHAIRMAN

1. The Secretary to the Government of Gujarat, Labour, Social Welfare, and Tribal Development Department, Sachivalaya, Gandhinagar, Gujarat. Appointed by the Central Government.

MEMBERS

2. The Deputy Secretary to the Government of Gujarat, Labour, Social Welfare and Tribal Development Department, Sachivalaya, Gandhinagar, Gujarat. Persons appointed by the Central Government on the recommendation of the State Government.
3. The Financial Adviser to the Government of Gujarat, Labour, Social Welfare and Tribal Development Department, Sachivalaya, Gandhinagar.

[No. V. 20012(5)/72-PF-II]

नई दिल्ली 24 दिसम्बर, 1976

का० आ० 266.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 4 के उपपैरा (1) के अनुसरण में, (1) उप सचिव उत्तर प्रदेश सरकार, श्रम विभाग लखनऊ और (2) वीरत राम, सचिव, गस्ता मिल मजदूर संघ, मेरठ को क्रमशः संयुक्त सचिव उत्तर प्रदेश सरकार श्रम विभाग तथा श्री के० बास गुप्ता के स्थान पर उत्तर प्रदेश राज्य के

लिए गठित क्षेत्रीय समिति के सदस्य के रूप में नियुक्त करती है और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 1071 तारीख 23 फरवरी, 1976 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में,—

- (क) कम सं० 2 के सामने स्तम्भ 2 में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—
“उप सचिव, उत्तर प्रदेश सरकार, श्रम विभाग लखनऊ”;
- (ख) कम सं० 7 के सामने स्तम्भ 2 में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—
“श्री दीलत राम, सचिव, गत्ता मिल मजदूर संघ, मेरठ” ।

[सं० डी०-20012/11/72-पी० एफ०-2]

New Delhi, the 24th December, 1976

S.O. 266.—In pursuance of clause (b) and (d) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints (i) the Deputy Secretary, to the Government of Uttar Pradesh, Department of Labour, Lucknow and (ii) Shri Daulat Ram, Secretary, Gatta Mill Mazdoor Union, Meerut, as members of the Regional Committee set up for the State of Uttar Pradesh vice the Joint Secretary to the Government of Uttar Pradesh, Department of Labour and Shri K. Dasgupta respectively and makes the following further amendments in the notification of the Govt. of India in the Ministry of Labour No. S.O.1071 dated the 23rd February, 1976 namely:—

In the said notification, (a) against serial No. 2 for the entry in column 2, the following entry shall be substituted, namely:—

“Deputy Secretary to the Government of Uttar Pradesh, Department of Labour, Lucknow”;

(b) Against serial No. 7 for the entry in column 4, the following entry shall be substituted, namely :—

“Shri Daulat Ram, Secretary, Gatta Mill Mazdoor Union, Meerut.”

[No. V. 20012(11)/72-PF. II]

नई दिल्ली, 28 दिसम्बर, 1976

का० आ० 267 —तमिल नाडु सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के खण्ड (घ) के अनुसरण में डा० पी० आर० बालकृष्णन के स्थान पर डा० डी० एम० लिंगाय्या, निदेशक, चिकित्सा सेवा और परिवार नियोजन, तमिल नाडु सरकार, मद्रास को चिकित्सा-साध परिषद् में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः अब, केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 2980, दिनांक 26 जुलाई, 1976 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “[राज्य सरकार द्वारा धारा 10 की उप धारा (1) के खण्ड (घ) के अधीन नामनिर्दिष्ट]” शीर्षक के नीचे मद्द 20 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“डा० डी० एम० लिंगाय्या,
निदेशक, चिकित्सा सेवा और परिवार नियोजन,
तमिल नाडु सरकार, मद्रास ।”

[संख्या यू-16012(17)/76-एच० आई०]

New Delhi, the 28th December, 1976

S.O. 267.—Whereas the State Government of Tamil Nadu has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Dr. D. M. Lingayya, Director of Medical Services and Family Planning, Government of Tamil Nadu, Madras to represent that State on the Medical Benefit Council in place of Dr. R. P. Balakrishnan;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 2980, dated the 26th July, 1976, namely:—

In the said notification, under the heading “[Nominated by the State Government under clause (d) of sub-section (1) of section 10]” for the entry against item 20, the following entry shall be substituted, namely:—

“Dr. D. M. Lingayya,

Director of Medical Services and Family Planning,
Government of Tamil Nadu, Madras.”

[No. U-16012/17/76-HI]

का० आ० 268.—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (क) के अनुसरण में, श्री एम० एम० संजागिरि के स्थान पर श्री वीरेन्द्र सिंह, श्रमायुक्त, दिल्ली को कर्मचारी राज्य बीमा नियम में संघ-शासित क्षेत्रों का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः अब, केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 1517, तारीख 14 अप्रैल, 1976 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “[केन्द्रीय सरकार द्वारा धारा 4 के खण्ड (क) के अधीन संघ-शासित क्षेत्रों का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट]” शीर्षक के नीचे मद्द 28 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

श्री वीरेन्द्र सिंह,
श्रमायुक्त,
दिल्ली प्रणामन, दिल्ली ।”

[संख्या यू-16012(6)/76-एच० आई०]

S.O. 268.—Whereas the Central Government has in pursuance of clause (e) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Virendra Singh, Labour Commissioner, Delhi to represent the Union territories on the Employees' State Insurance Corporation, in place of Shri S. S. Sanzagiari ;

No, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 1517, dated the 14th April, 1976, namely:—

In the said Notification, under the heading “[Nominated by the Central Government under clause (e) of section 4 to represent Union territories]”, for the entry against item 28, the following entry shall be substituted, namely:—

“Shri Virendra Singh,
Labour Commissioner,
Delhi, Administration, Delhi.”

[No. U-16012/6/76-HI]

नई दिल्ली, 30 दिसम्बर, 1976

का० आ० 269.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हमबेन नवीनचन्द्र, मध जेल के पीछे, तालाब के निकट, खटोदा सुरत, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35019(443)/76-पी० एफ०-2]

New Delhi, the 30th December, 1976

S.O. 269.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hansaben Navinchandra, Behind Sub-Jail, Near Talau, Khatoda, Surat, have agreed that the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1976.

[No. S. 35019/443/76-PF-II]

का० आ० 270.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मेट्रो इण्डस्ट्रीज एण्ड सप्लाइज, V मुख्य मार्ग, चामराजपेट, बंगलौर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35019(450)/76-पी० एफ०-2]

S.O. 270.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Metro Industries and Supplies, V. Main Road, Chamaraipet, Bangalore-18, have agreed that the provisions of the Employees' Provident funds and miscellaneous provisions act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1976.

[No. S. 3519/450/76-PF. II]

का० आ० 271.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सी० एम० एण्ड, कम्पनी डाक घर कक्कर, जूधो-नांव कन्नानोर तालुक कन्नानोर जिला नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि

और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अक्तूबर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम०-35019(447)/76-पी० एफ०-2 (i)]

S.O. 271.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs C. M. R. and Company, Post Office Kakkat, Ruzhathi Village, Cannanore Taluk, Cannanore District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1976.

[No. S. 35019/447/76-PF. II(i)]

का० आ० 272.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जाँच करने के पश्चात् 1 अक्तूबर, 1976 से सी० एम० आर० एण्ड कम्पनी पो० आ० कक्कर, रज्जुदी गाँव, कां तोर तालुक, कन्नानोर जिला, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिश्चित करती है।

[सं. एम० 35019(449)/76-पी० एफ०-2 (ii)]

S.O. 272.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of October, 1976 the establishment known as Messrs. C. M. R. and Company, Post Office Kakkat, Paghathi Village, Cannanore Taluk, Cannanore District, for the purposes of the said proviso.

[No. S. 35019/447/76-PF. II(ii)]

का० आ० 273.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स माइक्रोमैट्स, V मुख्य मार्ग, चामराजपेट, बंगलौर-18 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35019(449)/76-पी० एफ०-2]

S.O. 273.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Micromats, V. Main Road, Chamaraipet, Bangalore-18, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1976.

[No S 35019/449/76-PF. III]

कां०आ० 274—यह केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ए० सी० एम० ई० इंजीनियरिंग सर्विसेज, राम मन्दिर मार्ग, गोरेगांव (पश्चिमी) मुम्बई-62, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 28 फरवरी, 1975 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(58)/76—पी० एफ० 2]

S.O. 274.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs ACME Engineering Services, Ram Mandir Road, Goregaon (West) Bombay-62, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the twenty-eighth day of February, 1975.

[No S. 35018/58/76-PF. III]

कां०आ० 275—यह केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स फ्रेड्स यूनियन प्रायल लिमिटेड, पो० आ० चेरपु त्रिचुर, चेरपुर ग्राम, त्रिचुर तालुक और त्रिचुर जिला नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अगस्त, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(405)/76—पी० एफ० 2]

S.O. 275.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Frieds Union Oil Mills, Post Office Cherpu Trichur, Cherpur Village, Trichur Taluk and Trichur District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This notification shall be deemed to have come into force on the first day of August, 1976.

[No. S. 35019/405/76-PF. III]

कां०आ० 276.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स स्टैंडर्ड डायंग वर्क्स, 46 कोटायममन कोइल स्ट्रीट, करूर त्रिचुर जिला नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(430)/76—पी० एफ०-2]

S.O. 276.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Standard Dyeing Works, 46, Kottaiyammann Koil Street, Karur Trichy District have agreed that the provisions of the Employees' Provident Funds and Miscellaneous provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1976.

[No. S. 35019/430/76-PF. II]

कां०आ० 277—यह केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मछाराम बलभराम एण्ड कंपनी, अनविलशेरी-सग्रामपुर, सूरत नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 जुलाई, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(434)/76—पी० एफ०-2]

S.O. 277.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Manchharam Vallabhram and Company, Anavil Sheri, Sagrapura, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This notification shall be deemed to have come into force on the thirty-first day of July, 1976.

[No. S. 35019/434/76-PF. II]

कां० आ० 278—यह केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मच्छाराम जमनादास, मखजेल के पीछे, तालाब के निकट, खटोडा, सूरत नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(441)/76—पी० एफ०-2]

S.O. 278.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Manchharam Jamnadas, Behind Sub-Jail, Near Talav, Khatodra, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1976.

[No. S. 35019/441/76-PF.II]

का० आ० 279.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि बिहारी मिल्स कर्मचारी सहकारी क्रेडिट सोसाइटी लि० खोसरा मेहमदाबाद, अहमदाबाद नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(426)/76—पी० एफ०-2]

S.O. 279.—Whereas it appears to the Central Government that the employer and the majority of the Employees in relation to the establishment known as Messrs The Bihari Mills Employees Co-operative Credit Society Limited, Khokhra Mehmdabad, Ahmedabad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1976.

[No. S. 35019/426/76-PF.II]

का० आ० 280.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स केरल टाइल एण्ड क्ले वर्क्स, कुट्टेनेनूर ढाकघर, ओल्लूर गांव, त्रिचुर तालुक त्रिचुर जिला नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 नवम्बर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(451)/76—पी० एफ०-2]

S.O. 280.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kerala Tile and Clay Works, Kuttanellur Post Office, Ollur Village, Trichur Taluk, District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of November, 1976.

[No. S. 35019/451/76-PF.II]

का० आ० 281.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स विजयसिंह लालाधर एण्ड कम्पनी, नानभय मंशन, पांचवीं मंजिल, सर पी० मेहता मार्ग, मुम्बई V नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(68)/76—पी० एफ०-2(i)]

S.O. 281.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vijaysinh Liladhar and Company, Nambhay Mansion, 4th Floor, Sir P. Mehta Road, Bombay-I, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1976.

[No. S. 35018/68/76-PF.II(i)]

का० आ० 282.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1976 मैसर्स विजयसिंह लीलाधर एण्ड कम्पनी, नानभय मंशन, पांचवीं मंजिल, सर पी० मेहता रोड, मुम्बई-1 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एम० 35018(68)/76—पी० एफ०-2(ii)]

S.O. 282.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1976 the establishment known as Messrs Vijaysinh Liladhar and Company, Nambhay Mansion, 4th Floor, Sir P. Mehta Road, Bombay-I, for the purposes of the said proviso.

[No. S. 35018/68/76-PF.II(ii)]

क्रा० आ० 283.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आई० एम० एम० सेमिनरी इस्टेट, पी० आफिम, कापीकुलम, (बारांता) मननथोड़ी, बिन्नेल्ली गांव नार्थ वाडनाह तालुक नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अक्टूबर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(448)/76-पी० एफ०-2]

S.O. 283.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs I.M.M. Seminary Estate, Post Office Kurthikulam, (Via) Mananthody, Thirunelli village, North Wynad Taluk, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1976.

[No. S. 35019/448/76-PF.II]

क्रा० आ० 284.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नागपाल प्रिंटिंग मिल्स, 102 सरकारी इण्डस्ट्रियल इस्टेट, काण्डी विली, सुम्बई-67 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 29 फरवरी, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(62)/76-पी० एफ०-2]

S.O. 284.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nagpal Printing Mills, 102, Government Industrial Estate, Kandivili, Bombay-67, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the twenty-ninth day of February, 1976.

[No. S. 35018/62/76-PF.II]

क्रा० आ० 285.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कृष्णराम सन्थाराम, अनविल शेरी संधामपुर, सूरत नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

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अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 जुलाई, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(133)/76-पी० एफ०-2]

S.O. 285.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Krishnarām Manchharam, Anavil Sheri, Sagrampura, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of July, 1976.

[No. S. 35019/433/76-PF.II]

क्रा० आ० 286.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स राजनीकान्त शान्तीवाल, सब-जेन के पीछे, तालाव के निकट, खरोद्रा, सूरत नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(440)/76-पी० एफ०-2]

S.O. 286.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Rajnikant Shantilal, Behind Sub-Jail, Near Talav, Khatodra, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1976.

[No. S. 35019/440/76-PF.II]

क्रा० आ० 287.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जमनाबास जयकिशनदास एण्ड कम्पनी, संधामपुर, देहली मार्ग सूरत नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35019(439)/76-पी० एफ०-2]

S.O. 287.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Jannadas Jekisandas and Company, Sagrampura, Dehlari Road, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1976.

[No. S. 35019/439/76-PF.II]

का० आ० 288—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स निर्मला प्लांटेशन, डाकघर कार्थिकुलम (बराय्या) मनतदोड़ीह नार्थ वीनाद, थिरुनेल्ल ग्राम, नार्थ वीनाथ तालुक, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अक्टूबर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35019(429)/76-पी० एफ०-2]

S.O. 288.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nirmala Plantations, Post Office Karthikulam (Via) Manantoddy North Wynad, Thirunelli Village, North Wynad Taluk, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1976.

[No. S. 35019/429/76-PF.II]

का० आ० 289—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्रीराम आयल इण्डस्ट्रीज, राम मन्दिर रोड, गोरेगांव, मुम्बई-62 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 28 फरवरी, 1975 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35018(59)/76-पी० एफ०-2]

S.O. 289.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shri Ram Oil Industries, Ram Mandir Road, Goregaon, Bombay-62, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the twenty-eighth day of February, 1975.

[No. S. 35018/59/76-PF.II]

का० आ० 290—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एशियन प्रोड्यूस कम्पनी, पी० बी० सं० 11, तारगिन्जलकुण्डा, (मानवलासरी गांव) मुकुन्दपुरम तालुक, त्रिचुर जिल्ला, जिसमें (1) XII/1151(ए) पनायापिल्ली कोचीन-2 और (2) पहली मंजिल, एक ब्लॉक, शिवसागर इस्टेट, मुम्बई-13, स्थित इसकी शाखाएं भी सम्मिलित हैं नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35019(404)/76-पी० एफ०-2]

S.O. 290.—Whereas it appears to the Central Government that the employer and majority of the employees in relation to the establishment known as Messrs Asian Produce Company, Post Box No. 11, Irinjalakuda, (Manvalasery Village) Mukundapuram Taluk, Trichur District including its branches at (1) XII/1151(A) Panayappilly, Cochin-2, and (2) 1st Floor 'F' Block, Shivasagar Estate Bombay-18 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1976.

[No. S. 35019/404/76-PF.II]

का० आ० 291—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स राजेन्द्र कुमार एण्ड कम्पनी, मेहिली ग्राम, प्लॉट ई-15, अंरामारी, कुर्वा अन्धेरी मार्ग, मुम्बई-72 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एम० 35018(67)/76-पी० एफ०-2]

S.O. 291.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Rajendra Kumar and Company, Mohili Village Plot E/5, Jarimari, Kurla-Andheri Road, Bombay-72, have agreed that the provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1976.

[No. S. 35018/67/76-PF.II]

का० आ० 292—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सम्मुखलाल कृष्णाराम लवंगवाला, अनविलशेरी, संग्रामपुर, सूरत नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 जुलाई, 1976 को प्रवृत्त हुई समझी जाएगी।

[स० एम० 35019/132/76-पी० एफ०-2]

S.O. 292.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sanmukhlal Krishnamurthy Lavangwala, Anavil Sheri, Sagrampura, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of July, 1976.

[No. S. 35019/432/76-PF.II]

का० आ० 293.—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ए० सी० एम० ई० सिन्थेटिक, केमिकल्स, राम मन्दिर रोड, गोरेगांव (पश्चिम) मुम्बई-62 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 28 फरवरी, 1975 को प्रवृत्त हुई समझी जाएगी।

[स० एम० 35018/60/76-पी० एफ०-2]

S.O. 293—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs ACME Synthetic Chemicals, Ram Mandir Road, Goregaon (West), Bombay-62, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central

Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the twenty-eighth day of February, 1975.

[No. S. 35018/60/76-PF.II]

का० आ० 294—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स निम्बकर सीड्स कर्नाटक (प्राइवेट) लिमिटेड, 574, रामानन्द भवन, सुभाष मार्ग, दवंगेर, जिसमें 16, सलेह अहमद भवन, लेडी कर्जन मार्ग, बंगलूर-1 स्थित इसका रजिस्ट्रीकृत कार्यालय भी सम्मिलित है नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1975 को प्रवृत्त हुई समझी जाएगी।

[स० एम० 35019/38/76-पी० एफ०-2(i)]

S.O. 294.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nimbakar Seeds Karnataka (Private) Limited, 574, Ramananda Building Subhas Road, Davangere including its Registered Office at 16, Saleh Ahmed Building Lady Curzon Road Bangalore-I, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1975.

[No. S. 35019/38/75-PF.II(i)]

का० आ० 295—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय से आवश्यक जांच करने के पश्चात् 1 मार्च 1975 से मैसर्स निम्बकर सीड्स कर्नाटक (प्राइवेट) लिमिटेड 574, रामानन्द भवन, सुभाष मार्ग, दवंगेर, जिसमें 16, सलेह अहमद भवन, लेडी कर्जन मार्ग, बंगलूर-1 स्थित इसका रजिस्ट्रीकृत कार्यालय भी सम्मिलित है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[स० एम० 35019/38/75-पी० एफ०-2(ii)]

S.O. 295.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of March, 1975 the establishment known as Messrs Nimbakar Seeds Karnataka (Private) Limited, 574, Ramananda Building, Subhas Road, Davangere including its Registered Office at 16, Saleh Ahmed Building Lady Curzon Road, Bangalore-I, for the purposes of the said proviso.

[No. S. 35019/38/75-PF.II(ii)]

का० आ० 296.—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स अग्रनेत मंडिराम—सब जय के पीछे, तलाब के समीप खटोदरा, सूरत, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अतः, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एस० 35019(431)/76-पी० एफ०-2]

S.O. 296.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Arunaben Manchharam, behind Sub-Jail, Near Talav, Khatodra, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1976.

[No. S. 35019/431/76-PF.II]

का० भा० 297.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बलवंतराम मन्छाराम, संग्रामपुर, देहली रोड सूरत, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अतः, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019(442)/76-पी० एफ०-2]

S.O. 297.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Balvantram Manchharam, Sagrampura, Dehlari Road, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1976.

[No. S. 35019/442/76-PF.II]

नई दिल्ली, 31 दिसम्बर, 1976

का० भा० 298.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि स्कीम, 1952 के पैरा 4 के उपपैरा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० भा० 3617 तारीख 27 अक्टूबर, 1970 को अधिक्रान्त करने हुए, आसाम राज्य के लिए एक प्रादेशिक समिति गठित करती है जिसमें निम्नलिखित व्यक्ति होंगे, अर्थात् :—

अध्यक्ष

1. सचिव, आसाम सरकार, श्रम विभाग, दीरापुर सदस्य गण
2. उपसचिव, आसाम सरकार, वित्त विभाग, दीरापुर
3. श्रम आयुक्त, आसाम सरकार, दीरापुर

राज्य सरकार के प्रतिनिधि

4. श्री जी० सी० फूकन, हानीगढ़ गौहाटी, आसाम
5. श्री बी० पी० बक्षी, मण्डल कार्यपालक मैसर्स स्टीलवर्थ लिमिटेड, तिनसुकिया, आसाम
6. श्री डी० पी० मनपुरिया, मैसर्स नेशनल प्लास्टर इण्डस्ट्रीज (प्राइवेट) लिमिटेड, तिनसुकिया, आसाम
7. श्री बरीन चौधरी, महामन्त्रि, आसाम राज्य व्यवसाय मध्य कांग्रेस, बरपाथर न्यू कालोनी, ताम्बुलबारी, तिनसुकिया, आसाम
8. श्री जे० सी० कार, अध्यक्ष, औद्योगिक कर्मकार संघ, तिनसुकिया, आसाम
9. श्री ए० सी० सेकिया, महामन्त्रि, राष्ट्रीय मजदूर कांग्रेस, आसाम शाखा, उलुबारी, गौहाटी-781007।

[सं० सी० 20012(1)/72-पी० एफ०-2]

New Delhi, the 31st December, 1976

S.O. 298.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952 and in supersession of the notification of the Government of India in the Ministry of Labour Number S.O. 3617, dated the 27th October, 1970, the Central Government hereby sets up a Regional Committee for the State of Assam consisting of the following persons, namely :—

Chairman

1. The Secretary to the Government of Assam, Labour Department, Dispur.

Members

2. The Deputy Secretary to the Government of Assam, Finance Department, Dispur
3. The Commissioner of Labour, Government of Assam, Dispur.

Representatives of the State Government.

4. Shri G.C. Phukan Hatigarh, Gauhati, Assam.
5. Shri B.P. Bakshi, Divisional Executive, Messers Steelworth Limited, Tinsukia, Assam.
6. Shri D. P. Manpuria of Messers National Plywood Industries (P) Ltd. Tinsukia, Assam.

Representatives of the employers.

7. Shri Barin Chowdhury, General Secretary Assam State, Trade Union Congress, Barpathar New Colony, Tambulbari, Tinsukia, Assam.
8. Shri J.C. Kar, President, Industrial Workers' Union, Tinsukia, Assam.
9. Shri A. C. Saikia, General Secretary Indian National Trade Union Congress, Assam Branch, Ulubari, Gauhati-781007.

Representatives of the employees.

[No. V. 20012(1)/72-PF. II]

नई दिल्ली, 3 जनवरी, 1977

का०आ० 299.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स शाह टेक्नीकल कन्सल्टेंट्स (प्राइवेट) लिमिटेड, मेहर हाउस, 15 कावसजी पटेल स्ट्रीट मुम्बई-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 31 मार्च, 1976 को प्रवृत्त हुई समझी जाएगी ।
[सं० एम०-35018(65)/76-पी० एफ०-2(i)]

New Delhi, the 31d January, 1977

S.O. 299.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shah Technical Consultants (Private) Limited, Mehar House, 15, Cawasji Patel Street, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1976.

[No. S. 35018/65/76-PF.II(i)]

का०आ० 300.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रमूत वनस्पति कम्पनी लिमिटेड, चण्डीगढ़ मार्ग, राजपुरा (पंजाब) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 अप्रैल, 1971 को प्रवृत्त हुई समझी जाएगी ।
[सं० एम० 35011(13)/76-पी० एफ०-2(i)]

S.O. 300.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Amrit Banaspati Company Limited, Chandigarh Road, Rajpura (Punjab) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1971.

[No. S. 35011/13/76-PF.II(ii)]

का०आ० 301.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1971 से मैसर्स प्रमूत वनस्पति

कम्पनी लिमिटेड, चण्डीगढ़ मार्ग : राजपुरा (पंजाब) नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है ।

[सं० एम० 35011(13)/75-पी० एफ०-2(ii)]

S.O. 301.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April 1971 the establishment known as Messrs Amrit Banaspati Company Limited, Chandigarh Road, Rajpura (Punjab), for the purpose of the said proviso.

[No. S. 35011/13/75-PF.II(ii)]

का०आ० 302.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पी० जी० टेक्स्टाइल मिल्स (प्राइवेट) लिमिटेड पो० बॉक्स 189—पानीगेट सेवाहर, भद्रा, बरोवा-6 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 जनवरी, 1974 को प्रवृत्त हुई समझी जाएगी ।

[सं० एम० 35011(10)/73-पी० एफ०-2]

S.O. 302.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs P. G. Textile Mills (Private) Limited, Post Office Box 189, Outside Pani Gate, Bhadra, Baroda-6 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1974.

[No. S. 35011/10/73-PF.II]

का० आ० 303.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सेन्ट्रल इन्स्ट्रुट्यूट आफ टूल डिजाइन, बालानगर, हैदराबाद, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 जुलाई, 1976 को प्रवृत्त हुई समझी जाएगी ।
[सं० एम० 35019(454)/76-पी० एफ०-2]

S.O. 303.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Central Institute of Tool Design, Balanagar, Hyderabad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1976.

[No. S. 35019/454/76-PF.II]

कांआ० 304.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स टैक्सटाइल सर्विसेस एंशोनिमेंस, 160 जमुनालाब बाजार स्ट्रीट, कलकत्ता-7 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1974 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35017(12)/76-पी० एफ०-2]

S.O. 304.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Textile Merchants Association, 160, Jamunala Bajaj Street, Calcutta-7, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1974.

[No. S. 35017(12)/76-PF.II]

कांआ० 305 —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स परफेक्ट इंजीनियरिंग एक्सपोर्ट्स इन्टरनेशनल (प्राइवेट) लिमिटेड, मेहर हाउस, 15 कवासजी पटेल स्ट्रीट, मुम्बई-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 मार्च, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(64)/76-पी० एफ०-2(i)]

S.O. 305.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Perfect Engineering Exports International (Private) Limited, Mehar House, 15 Cawasji Patel Street, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1976.

[No. S. 35018/64/76-PF.II(i)]

कांआ० 306 —केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 31 मार्च, 1976 से परफेक्ट इंजीनियरिंग एक्सपोर्ट्स इन्टरनेशनल (प्राइवेट) लिमिटेड, मेहर हाउस, 15 कवासजी पटेल स्ट्रीट मुम्बई-1 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एम० 35018(64)/76-पी० एफ०-2(ii)]

S.O. 306.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirty-first day of March 1976 the establishment known as Messrs Perfect Engineering Export International (Private) Limited, Mehar House, 15, Cawasji Patel Street, Bombay-1 for the purposes of the said proviso.

[No. S. 35018/64/76-PF.II(ii)]

कांआ० 307.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कैपिटल होजरी सैन्सुफैक्टोरिंग कम्पनी 1/4 तिलक पथ, इन्दौर-4, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(452)/76-पी० एफ०-2]

S.O. 307.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Capital Hosiery Manufacturing Company, 1/4, Tilak Path, Indore-4, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1976.

[No. S. 35019/452/76-PF.II]

कांआ० 308.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आसम रोडवेज, 8, मदन मोहन बर्मन स्ट्रीट, कलकत्ता-7 (जिसमें (1) जोरहाट, (2) तिनसुकिया, (3) नौगोंग (4) गौहाटी, और (5) सिलिगुड़ी स्थित इसकी शाखाएं भी सम्मिलित हैं) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1970 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35017(54)/72-पी० एफ०-2]

S.O. 308.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Assam Roadways, 8, Madan Mohan Burman Street, Calcutta-7, including its branches at (1) Jorhat, (2) Tinsukia, (3) Nowgong, (4) Gauhati and (5) Siliguri, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1970.

[No. S. 35017/54/72-PF.II]

का० आ० 309 — यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स डेल्टा फार्मा, डोल-बिन शिर, 69/71, छोगा स्ट्रीट, मुम्बई-2 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 अप्रैल, 1976 को प्रवृत्त हुई समझी जाएगी।
[सं० एम०-35018(69)/76-पी० एफ०-2]

S.O. 309.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Delta Pharma, "Dol-Bin-Shir" 69/71, Ghoga Street, Bombay-1 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of April, 1976.

[No. S. 35018/69/76-PF II]

का० आ० 310.—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पुजारा कैरियर्स, दरियापुर, कटिया नाका लुन्सावद, अहमदाबाद-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 अप्रैल 1976 को प्रवृत्त हुई समझी जाएगी।
[सं० एम०-35019(453)/76-पी० एफ०-2(i)]

S.O. 310.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pujara Carriers, Darapur, Kadianaka, Lunsawad, Ahmedabad-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of April, 1976.

[No. S. 35019/453/76-PF.II(i)]

का० आ० 311.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 30 अप्रैल, 1976 से मैसर्स पुजारा कैरियर्स, दरियापुर, कटियानाका, लुन्सावद अहमदाबाद-1 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एम० 35019 (453)/76-पी० एफ०-2(ii)]

S.O. 311.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirtieth day of April, 1976 the establishment known as Messrs Pujara Carriers, Darapur, Kadianaka, Lunsawad, Ahmedabad-1, for the purposes of the said proviso.

[No. S. 35019/453/76-PF II(ii)]

का० आ० 312 — यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स भारतीय भाषा समाचार पत्र संघ, जन्मभूमि भवन, पोस्ट बैग नं० 10029, फोर्ट मुम्बई-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1976 को प्रवृत्त हुई समझी जाएगी।
[सं० एम० 35018(63)/76-पी० एफ०-2(i)]

S.O. 312.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Indian Languages Newspapers Association, Janmabhoomi Bhavan, Post Bag No. 10029, Fort, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1976.

[No. S. 35018/63/76-PF.II(i)]

का० आ० 313 —केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1976 से भारतीय भाषा समाचारपत्र संघ जन्मभूमि भवन, पोस्ट बैग नं० 10029, फोर्ट, मुम्बई-1 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एम० 35018(63)/76-पी० एफ०-2(ii)]

S.O. 313.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1976 the establishment known as Messrs. Indian Languages Association, Janmabhoomi Bhavan, Post Bag No. 10029, Fort Bombay-1, for the purposes of the said proviso.

[No. S. 35018/63/76-PF.II(ii)]

का० आ० 314.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1975 से मैसर्स पाइनाइप हजोनियरिंग वर्क्स, 12-एफ नन्दधाम इन्डस्ट्रियल इस्टेट, मरोल करोणो-रोड अन्धेरी (पूर्व) मुम्बई-59 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एम० 35018(61)/76-पी० एफ०-2(ii)]

एम० एम० महानामन, उप सचिव

S.O. 314.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter hereby specifies with effect from the first day of April, 1975 the establishment known as Messrs Pynada'h Engineering Works, 12-F, Nand-Dham Industrial Estate, Marol Maroshi Road, Andheri (East) Bombay-39 for the purposes of the said proviso.

[No S. 35018/61/76-PF.II(ii)]

S. S. SAHASRANAMAN, Dy. Secy.

New Delhi, the 29th December, 1976

S.O. 315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bhubaneswar in the industrial dispute between the employers in relation to the management of Messrs Serajuddin and Company, Calcutta and their workman, which was received by the Central Government on the 28th December, 1976.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

Industrial Dispute Case No. 1 (Central) of 1975

Bhubaneswar, the 15th December, 1975

BETWEEN

The employers in relation to the management of Messrs Serajuddin and Company, Calcutta First-party

AND

Their workman Shri Biranchi Khillar, Gangman.

Second-party

APPEARANCES:

Sri Md. Nehaluddin, Liaison Officer. For the first-party

Sri Biranchi Khillar Second-party

AWARD

In exercise of the powers conferred by sec. 7-A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Central Government have referred the following dispute to this Tribunal for adjudication, vide Government of India Letter No. L 27012/2/75/DIV/B dated 24-12-75 read with Letter No. L-27012(2)/75-2-IV(B) dated 2-1-76:

"Whether the action of the management of Messrs Serajuddin and Company, Calcutta in dismissing Shri Biranchi Khillar, Gangman of Siljora-Gurda-Baldakalimati and Gurda Block Manganese Mines with effect from 3-6-1975 was justified? If not, to what relief is the said workman entitled?"

2. As per the terms of reference, the dispute is said to exist between the employers in relation to the management of Messrs Serajuddin and Company, Calcutta, hereinafter referred to as the first-party, and their workman Shri Biranchi Khillar, hereinafter referred to as the second-party.

3. The case of the first-party is that the second-party had been working as a Gangman under the first-party from May 1970 in the mines of the first-party situated in Keonjhar district of the State of Orissa. On 3-4-75 the second-party was transferred from Banspani depot to Ranital depot and was directed to report for duty at the latter place on 10-4-75. The second-party was duly relieved from Banspani depot on 6-4-75. The second-party failed to join at Ranital depot on the ground of his illness and the illness of his father. However, the second-party was detected roaming about here and there in apparently good health. As inspite of direction to join at Ranital the second-party failed to do so, a charge-sheet was issued against him on 20-4-75 on the ground of misconduct as per the certified Standing Orders. The Charge-sheet could not be served on the second-party as he was reported by the postal authorities to be absent from his given address. The departmental enquiry was accordingly conducted ex-parte against him and the second-party was dismissed from service on 3-6-75 by the Mines Manager of the first-party. The said dismissal order forms the basis of the present industrial dispute. In the meant time the Managing Partner of

the first-party, who is higher in authority than the mines Manager, reviewed the dismissal order passed against the second-party and revoked the same on the ground that the second-party had not been given adequate opportunity to conduct his defence. The Managing Partner directed that the second-party should be reinstated in service with immediate effect with full back wages for the period of his unemployment, vide his order dated 14-5-76, annexure—1. Pursuant to the said order the second-party reported back for duty at Gurda on 23-5-76, vide his statement dated 23-5-76, annexure—2. The second-party has also received his full back wages for the period of his unemployment and as such it is stated that there is no cause of action for the present reference and that the dispute has ceased to exist.

4. In his written-statement the second-party has stated that after his dismissal from service, his complaint against the dismissal order has given rise to the present dispute. Before the matter came up for adjudication, the Managing Partner has reinstated the second-party and has paid him the back wages. The second-party had been transferred to work in the chromite mines at Ranital, but he could not join as he was on leave. After reinstatement, the second-party has been asked to report for duty at Gurda mines. It has been pointed out that the wages of the workers of chromite mines are higher than the wages of the workers of manganese mines at Gurda and as such it is claimed that the second-party is entitled to the difference.

5. At the first hearing of this case the first-party management and the second-party workman stated before the Tribunal that the order of the first-party management dismissing the second-party workman has been recalled and he has been reinstated in service with full back wages. Parties relied on the averments made them in their written-statements and declined to adduce any evidence in this case. Both parties submitted that award should be passed keeping in view the facts stated by them in their written-statements and admitted by them before the Tribunal.

6. As per the terms of reference, the question to be decided is whether the action of the first-party management in dismissing the second-party workman from service with effect from 3-6-75 was justified. Both parties have stated in their written-statements that the dismissal order dated 3-6-75 has been revoked by the first-party management and the second-party workman has been reinstated in service at Gurda mines and has been paid full wages for the period of his unemployment.

7. The second-party workman has put forward a half-hearted claim that for the period of his unemployment he should be paid higher wages at the rates payable to mine-workers in the chromite mines at Ranital instead of the lower rates of wages payable to manganese mineworkers which have already been paid to him. Admittedly the second-party workman never worked in the chromite mines at Ranital. According to the written-statement of the first-party, the second-party did not report for duty at Ranital on the ground of his illness and the illness of his father. In his own written-statement the second-party has admitted that he had not joined at Ranital depot as he wanted leave. Since the second-party never worked in the chromite mines, his claim for higher wages at the rates payable to the workers of the chromite mines is not at all justified. Further, there is no evidence before the Tribunal to compare the wages of the workers of the manganese mines with those of the chromite mines. This matter is also not covered under the present terms of the reference. Hence the claim of the second-party for higher wages must be rejected.

8. In view of the averments contained in the written statements of the first-party management and the second-party workman, it must be held that the action of the management of Messrs Serajuddin and Company, Calcutta in dismissing Gangman Shri Biranchi Khillar from service with effect from 3-6-75 was not justified; this position was conceded by the management. However, since Shri Khillar has already been reinstated in service and has been paid his wages in full for the period of his unemployment, Shri Khillar is not entitled to any other relief.

9. Award is passed accordingly.

[No. L-27012(2)/75-D-IV(B)]

B. N. MISRA, Presiding Officer

S.O. 316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad in the industrial dispute between the employers in relation to the management of Messrs Chatturam Darshanram Mica Mine Owners, Post Office Jhumritelaia, District Hazaribagh and their workmen which was received by the Central Government on the 27th December, 1976

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO 3, DHANBAD**

Reference No. 5 of 1974

PARTIES :

Employers in relation to the Management of M/s. Chatturam Darshanram, Mica Mine Owners Jhumritelaia (Hazaribagh).

AND

Their workmen represented by Metalliferous Mine Workers Association, Kodama (Hazaribagh).

APPEARANCES .

For Employers—Shri S. S. Mukherjee, Advocate.

For Workmen—Shri I. D. Lal, Advocate.

INDUSTRY . Mica Mine. State . Bihar

Dhanbad, the 18th December, 1976

AWARD

This is a reference by the Central Govt. in the Ministry of Labour & Rehabilitation regarding a dispute between the management of M/s. Chatturam Darshanram, Mica Mine Owners, P.O. Jhumritelaia, Dist. Hazaribagh and their workmen represented by Metalliferous Mine Workers Association (INTUC) with respect to a demand for 20 per cent bonus for the years 1968 to 1970.

This reference is U/S 10(1)(d) of the Industrial Disputes Act, 1947, and has been forwarded to this Tribunal by Ministry's Order No. L-28011/10-73-LR-IV dated 30-9-74.

3. The schedule of the reference is as follows:—

SCHEDULE

"Whether the workers employed by M/s. Chatturam Darshanram, Mica Mine Owners, P.O. Jhumritelaia, Dist. Hazaribagh are entitled to 20 per cent of earned wages during the accounting years commencing in 1968, 1969 and 1970? If not, to what quantum of bonus are the workmen entitled for the above mentioned years?"

4. It appears that there was a conciliation proceeding between the parties before the A.L.C. (C) Hazaribagh and by his report dated 20-12-73 he reported that there was no meeting ground and the conciliation proceeding had ended in failure. Thereafter, the above reference was made to the Tribunal for adjudication.

5. Case of the workmen is that they demanded from the management payment of 20 per cent profit sharing bonus for the years 1968 to 1970 as they had made enormous profit during that period. They were represented by the Metalliferous Mine Workers Association and when the management turned down the demand, an industrial dispute was raised before the A.L.C.(C) Hazaribagh on 10-11-72 which ultimately failed. In the conciliation proceeding the management did not submit the calculation of allocable surplus and the accounts of profit and loss as well as the balance sheet submitted were incorrect, malafide and fictitious and accordingly they were not accepted.

6. It is said that if the correct balance sheet and the profit and loss account had been submitted, the true state of affairs would have come to light and it would have shown the huge profit that had been made by the management during the period in question. It has accordingly been prayed that bonus at 20 per cent of the earned wages may be paid to them.

128 GI/76—11.

7. In their rejoinder the management have taken stand that the terms of reference are vague and further that from the accounts of the firm for the years 1968, 1969 & 1970 which have been duly certified by the Chartered Accountant the available surplus derived from the gross profit would indicate that the workmen are not at all entitled to more than 4 per cent of the earned wages during the above-mentioned accounting years. It is further said that the claim for 20 per cent of the earned wages as bonus is imaginary and baseless. Their case also is that there was a conciliation proceeding between the parties and on 12-9-66 the workmen of the mica mines represented by (i) Mica Labour Union, Jhumritelaia (ii) Abrakh Mazdoor Union Jhumritelaia (iii) Abrakh Mazdoor Panchayat, Jhumritelaia, and their employers 19 in number mentioned in the memorandum of settlement and in it the issue of the payment of bonus under the payment of Bonus Act, 1965 was negotiated before Mr. P. C. Roy, R.L.C.(C) Dhanbad and a settlement was arrived at which still subsists as it has not been terminated as provided U/S 19(2) of the Industrial Disputes Act, 1947 and accordingly it is binding on the parties and no industrial dispute could have been raised.

8. It is stated on their behalf that the allegation that the balance sheet and the profit and loss accounts are incorrect and malafide as well as fictitious is entirely baseless and all other allegation made on behalf of the workmen are entirely unfounded.

9. A rejoinder has been filed on behalf of the workmen in which almost the same points which have been taken in the written statement filed earlier have been taken. There is also a rejoinder on behalf of the management.

10. A preliminary point has been raised whether in view of the settlement dated 12-9-66 it is competent for the workmen to raise an industrial dispute and whether the reference made as indicated in the above schedule is valid. Parties have agreed that this preliminary point may be decided first. Accordingly, this preliminary point has been taken up for hearing and parties have presented their case.

11. At the time when the conciliation proceeding was going on the workmen were represented by three unions namely Mica Labour Union, Jhumritelaia, Abrakh Mazdoor Union, Jhumritelaia and Abrakh Mazdoor Panchayat, Jhumritelaia and the opposite party M/s. Chatturam Darshanram in Sl. No. 16 were amongst the 19 employers represented there. There was one M/s. Nund Samonto Co. (P) Ltd., in S. No. 12. At that time the Metalliferous Mine Workers Association and Metalliferous Mine Officers Association were not in existence. It is not disputed that they came into being subsequently in place of the above three unions. The memorandum of settlement was signed on behalf of the employers by their representatives and on behalf of the workmen by their representatives and the admitted copy of the memorandum is on record as Ext. M-1.

12. Learned Counsel on behalf of the opposite party has submitted that this settlement has not been terminated as provided U/S 19(2) of the Industrial Disputes Act, 1947 and in that view of the matter the workmen are stopped from claiming bonus at more than the amount mentioned in that settlement. His contention is that no notice has been served terminating the settlement, therefore, it is effective as it was for the period 1964 to 1967 and no claim on that score on behalf of the workmen is maintainable.

13. In this connection the Learned Counsel has referred to an unreported case of the Hon'ble Patna High Court a certified copy of which has been produced and marked Ext. M-2 and also one another case reported in 1976 Lab. I.C. 1505. The unreported case was between the management of M/s. Nand Samonto Co. (P) Ltd., and also M/s. B. Samanto, Mica Mine Owners, and the former is there in the memorandum of settlement in Sl. No. 12. The workmen had claimed bonus for the year 1968 to 1970 as in the present case and it was resisted by the above employers. Consequently, there was a reference by the Central Government in the same terms as in the present schedule and a preliminary point which has been raised here was also raised before the Tribunal. The question was answered in favour of the workmen and then there were writ petitions before the High Court and the certified copy of the order as I have said above, is on the record.

14. As provided U/S 19(2) of the Industrial Disputes Act a settlement arrived at between the parties to the dispute shall be binding for such period as is agreed upon by them and if no such period is there for the period of six months from the date on which the memorandum of settlement is signed and shall continue to be binding on the parties after the expiry of the period aforesaid, until the expiry of two months from the date on which notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement. In the instant case it has been conceded by the other side that no such notice in writing or in any manner of an intention to terminate the settlement has been given.

15. In the case reported in 1976 Lab. I.C. 1505 Sections 11, 34(3) read with Sections 32(vii)(b) and Payment of Bonus Rules 1965, Rules 4 & 4(b) as well as Section 19(2) of the Industrial Disputes Act were considered by their Lordships. M/s. B. Samanto and Co, petitioners were prosecuted by the Labour Enforcement Officer, Kodarma, for certain irregularities found by him on inspection and it was concerning registers in Form A & B and also for the non-production of profit and loss account and balance sheet in question which according to the Labour Enforcement Officer amounted to breach of Section 27(4) of the Payment of Bonus Act, 1965. Stand of the petitioners was that they were not required to maintain those registers as there was a settlement between the parties that bonus would be paid at a fixed rate and in view of the said agreement it was not necessary to fill up all the columns in the registers. Regarding the non-production of profit and loss account and balance sheet it was said they were not kept at the work spot as payment was being made at a fixed rate as per agreement with the worker's union. Their Lordships came to the conclusion that in view of the agreement it was not necessary to fill up all the columns of the two registers and they also considered the operation of Section 19(2) of the Industrial Disputes Act, 1947 and were of the opinion that termination of settlement had to be either in accordance with Section 19(2) by giving notice in terms thereof or there had to be a substantial compliance thereof.

16. In the unreported decision their Lordships have referred to the case cited above and while considering the question that the reference was invalid as there was no industrial dispute for bonus, it having been already settled by settlement between the management and its workmen, have allowed the writ petition and set aside the order of the Tribunal which had negated the preliminary point raised before it.

17. I have already said above that the other side has conceded that the settlement Ext. M-1 has not been terminated and that being so it still continues to be effective between the parties and binds them and in that view of the matter the reference is invalid as there is no industrial dispute which has already been settled by the above settlement dated 12-9-66 Ext. M-1.

18. In my opinion, the unreported case is directly on the point as it related to the workmen of M/s. Nund Samonto & Co. (P) Ltd., which were one of the employers in the above settlement and the decision regarding the scope of Section 19(2) of the Industrial Disputes Act, 1947 is supported by the case already referred to above.

19. Therefore, the reference is invalid and the workmen have no right to claim bonus except according to Ext. M-1 and there is no industrial dispute as such.

S. R. SINHA, Presiding Officer

Dated 18-12-76

[No. L-28011(10)/73-I.R. IV/D. IV (B)]

New Delhi, the 31st December, 1976

S.O. 317.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of National Mineral Development Corporation Limited, Donimalai Iron Ore Project, Donimalai and their workmen, which was received by the Central Government on the 30th December, 1976.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)

AT HYDERABAD

Industrial Dispute No. 31 of 1975

BETWEEN

The Workmen of National Mineral Development Corporation Limited, Donimalai Iron Ore Project, Donimalai Township, Sandur, Bellary District.

AND

The Management, National Development Corporation Limited, Donimalai Iron Ore Project, Donimalai Township, Sandur, Bellary District.

APPEARANCES:

- (1) The General Secretary, Donimalai Iron Ore Project Employees Association, Donimalai Township, Sandur, —for Workmen.
- (2) Sri T. A. Menon, Industrial Relations Officer, N.D.M.C. Ltd., Donimalai Iron Ore Project, —for Management.

AWARD

The Government of India, Ministry of Labour through its order No. L. 26011/10/75-D-IV(B) dated 21-7-1975 referred under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the following dispute existing between the Management of National Mineral Development Corporation Limited, Donimalai Iron Ore Project, Donimalai Township, Sandur, Bellary District and their Workmen to this Tribunal for adjudication:—

"Whether the action of the management of National Mineral Development Corporation Limited, Donimalai Iron Ore Project, Donimalai Township, Sandur, Bellary District, in effecting a change in working hours contrary to the mutual settlement dated 4-9-1973 in respect of the Central Design Officers Staff is justified? If not, to what benefits are the workmen concerned entitled?"

2. The reference was registered as Industrial Dispute No. 31 of 1974 and notices were ordered to be issued to both the parties. Both the Management and the workmen filed their counter and claims statement respectively.

3. The Management issued a notice dated 21-1-1975 under Section 9A of the Industrial Disputes Act, 1947 to the workmen concerned proposing to effect certain changes in the conditions of the service relating to hours of work applicable to the staff of the Central Design Office, Narsapur w.e.f. 12-2-1975. The existing hours of work are from 8.30 A.M. to 12.30 P.M. with a lunch break for 1 hour and again from 1.30 P.M. to 5.30 P.M. The change proposed is that the working hours should be from 8.00 A.M. to 12.00 noon with a lunch break for one hour and again from 1.00 P.M. to 5.00 P.M. The workmen objected to this change. As conciliation proceeding failed, the dispute came to be referred.

4. On 14-7-1976 the Central Secretary of the Workers' Union addressed a letter to this Tribunal stating that the Management had agreed to reduce the working hours of the Central Design and Drawing Office Staff from 8 hours to 7 hours on par with ministerial staff and that the dispute might be treated as with-drawn and closed. On 8-9-1976 a memo was filed by the Industrial Relations Officer on behalf of the Management to the effect that the Management have withdrawn the notice dated 21-1-1975 issued under Section 9A of the Industrial Disputes Act, 1947, that the dispute stood resolved as informed by the General Secretary through his letter dated 14-7-1976 and might therefore be closed.

5. The present dispute arose on account of the issue of a notice under Section 9A of the Industrial Disputes Act, 1947 by the Management proposing to effect changes in the conditions of service of the staff of the Central Design Office relating to hours of work as already mentioned. As the notice itself has since been withdrawn by the Management it follows that the Management has dropped the proposal to effect a change in the conditions of service as

proposed. Hence there is no dispute at all pending between the parties at present and there is no need to proceed with the matter further.

A nil Award is hereby passed.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of November, 1976.

APPENDIX of EVIDENCE

Witnesses Examined
For Workmen:

—NIL—

DOCUMENTS MARKED FOR WORKMEN:

—NIL—

DOCUMENTS MARKED FOR MANAGEMENT:

—NIL—

Witnesses Examined
For Management:
—NIL—

[No. L-26011(10)/75-D. IV(B)]

K. P. NARAYANA RAO, Presiding Officer

S.O. 318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the matter of applications filed by Shri Diyakaro Patro and five others care of Keonjhar Mines and Forest Workers' Union, Post Office Barbil, District Keonjhar under Section 33A of the Industrial Disputes Act, 1947, which was received by the Central Government on the 27th December, 1976.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- cum-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(A)(2)/1975

| | | |
|-------------------------------------------------------------------------------------------|---|----------------------------------------------------------------------------------------------------------------|
| Diyakaro Patro, Chandro Patro, Mardo Munda, Manu Rajbhor, Chaiton, Khairu. | } | Address:—C/o. Keonjhar Mines and Forest Workers' Union, P.O. Barbil, Dist Keonjhar. — Complainants |
|-------------------------------------------------------------------------------------------|---|----------------------------------------------------------------------------------------------------------------|

Versus

M/s. Mining & Transporting Co., P.O. Barbil, Dist. Keonjhar, Orissa.

M/s. Orissa Minerals Development Co. Ltd., Thakurani, P.O. Barbil, Dist. Keonjhar, Orissa.

Opposite Parties

APPEARANCES:

For Complainants—None.

For Opposite Parties—Shri K. R. Nair for Opposite Party No. 1

Shri S. Dayal for Opposite Party No. 1

INDUSTRY : Orissa Minerals DISTRICT : Keonjhar, Orissa,

Jabalpur, December 10, 1976

AWARD

This is a complaint under section 33A filed by Diyakaro Patro & five others for being dismissed by the management during the pendency of Reference No. 1 of 1968 without observing due formalities because they supported the Keonjhar Mines and Forest Workers Union and not the Barbil Workers Union which is the pocket Union of the management.

2. Orissa Minerals Development Company N.A. 2 denied that the complainants were the employees of that company. They may be the workmen of M/s. Mining and Transporting concern N.A. 1 but according to the terms of contract they cannot be deemed to be the employees of Orissa Minerals Development Company N.A. 2.

3. M/s. Mining & Transporting concern N.A. 1, denied that they were concerned with Iron Ore Mine contract when the reference was made and were thus wrongly made party to that reference. Diyakaro Patro and Chaiton had died much before the complaint which was falsely filed in their names. Khairu had been discharged from service much before the complaint, being medically unfit, and the complainants Mardo-Munda and Manu Rajbhor were never dismissed. They are still in service. Thus the complaint is false.

The allegations of the N.As are proved by their witnesses, complainants did not attend inspite of services. The complaint has thus no force and is therefore dismissed.

Reference is answered accordingly.
10-12-76

S. W. JOHRI, Presiding Officer

[No. L-26014(1)/76-L(i)D. IV(B)]

S.O. 319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the matter of applications filed by Shri Jagtu and four others care of Keonjhar Mines and Forest Workers' Union, Post Office Barbil, District Keonjhar, Orissa under Section 33A of the Industrial Disputes Act, 1947, which was received by the Central Government on the 27th December, 1976.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- cum-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(A)(3)/1975

| | | |
|--------------------------------------------------------------------------------|---|------------------------------------------------------------------------------------------------------------------------|
| Jagtu Dasrathi Munda Sadana and Naik and Bedishi Naik Sambhu Munda | } | Address:—C/o. Keonjhar Mines and Forest Worker, Union, P. C. Barbil, Dist. Keonjhar, Orissa. Complainants. |
|--------------------------------------------------------------------------------|---|------------------------------------------------------------------------------------------------------------------------|

Versus

M/s. Modern Construction Concern, Thakurani, P.O. Barbil, Dist. Keonjhar, Orissa.

M/s. Orissa Minerals Development Co. Ltd., Thakurani, P.O. Barbil, Dist Keonjhar, Orissa.

—Opposite Parties.

APPEARANCES:

For complainants—None

For Opposite Parties—Shri K. R. Nair, for Opposite Party No. 1

Shri S. Dayal for Opposite Party No. 2

INDUSTRY: Orissa Minerals DIST.: Keonjhar Orissa.

Jabalpur, December 10, 1976

AWARD

This is a complaint under section 33-A filed by Jagtu and 4 others for being dismissed by the management during the pendency of reference no. 1 of 1968 without observing due formalities because they supported Keonjhar Mines and Forest Workers Union and not the Barbil Workers Union which is the pocket Union of the management.

Both the companies, non-applicants, denied that employer-employee relationship existed between the Complainants and the said companies. M/s. Orissa Mineral Development Company, Non-applicant No. 2, however stated that the complainants were the employees of the concern, Non-applicant No. 1, operating in the Iron Ore Mines of the Company Non applicant No. 2. Under the terms of the contract the

company Non-applicant No. 2 shall not be deemed to be the employer of the employees of contractor concern.

3. Both the Non-applicants examined their representatives while the applicants remained absent inspite of service. From the evidence so recorded it is clear that there was no employer-employee relationship between the complainants and the Orissa Mineral Development Company, Non-applicant No. 2. The Contractor concern Non-applicant No. 1, took up the contract of Iron Ore Mines long after the reference was made and their representative, Shri R. K. Nair, stated on oath that complainants were never in the employment of their concern.

The complaint has thus no force and is therefore dismissed. Reference is answered accordingly.

[No. L-26014(i)/76-(ii)-D. IV(B)]

10-12-76

S. N. JOHRI, Presiding Officer.

New Delhi, the 5th January, 1977

S.O. 320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 1), Dhanbad in the industrial dispute between the employers in relation to Messrs Eastern Zone Syndicate, contractors of Ghatkhuri Iron Ore Mine of Messrs Rungta Mines (Private) Limited, Barajamda and their workmen, which was received by the Central Government on the 4th January, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 11 of 1974

(Ministry's Order No. L-26011/5/74-LR.IV, dated the 31st August, 1974)

PARTIES :

Employers in relation to Messrs Eastern Zone Syndicate Contractors of Ghatkhuri Iron Ore Mines of Messrs Rungta Mines (Private) Limited, Post Office Barajamda, District Singhbhum;

AND

Their Workmen.

PRESENT :

Mr. Justice K. B. Srivastava (Retd.), Presiding Officer.

APPEARANCES :

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri Lalit Burman, Secretary, Indian Mine Workers Federation.

STATE : Bihar. **INDUSTRY :** Iron Ore.

Dhanbad, dated the 30th December, 1976

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act has referred the following dispute for adjudication to this Tribunal, namely :—

“Keeping in view the rise in prices of essential commodities and the All India Average Consumers Price Index Number whether the demand of the workers of Messrs Eastern Zone Syndicate Contractors of Ghatkhuri Iron Ore Mine of Messrs Rungta Mines (Private) Limited, Post Office Barajamda, District Singhbhum for increase in their basic wage, Dearness Allowance and Variable Dearness Allowance is justified? If so, to what relief are the workers concerned entitled and from what date?”

2. Messrs Rungta Mines (Private) Limited (hereinafter referred to as the company) are the owners of the Ghatkhuri Iron Ore Mine, situate at Ghatkhuri, District Singhbhum, in the State of Bihar. Messrs Eastern Zone Syndicate (hereinafter referred to as the contractor are contractors of the company for winning iron ore from the said mine. The workmen employed in the mine are so employed by the contractor. Sarvashri Francis Bhongra, Hari Pade Kale, Bhaakku Khel Badan Munda, Remacharar Deegam, Bhim Singh Munda and Ahiram Sirka who are all miners in the said mine, claim themselves to be the elected representatives of all the workmen of the said mine.

3. After the receipt of the reference, usual notices were issued to the company, the contractor and the seven workmen referred to above. The company sent an application signed by its Director, by registered post and it was received in the Tribunal on October 19, 1974. In that application, it pleaded that the Central Government had not impleaded it as a party to the reference, and besides, it does not work the mine itself and the workmen working there are not its workmen but of the contractor and it is, therefore, neither a necessary nor a proper party to the dispute and no relief can be granted against it. The contractor filed his written statement on October 28, 1974. P. Mozoomdar, the General Secretary of the United Mineral Workers Union affiliated to AITUC, filed the written statement on behalf of the workmen on March 10, 1975. S. K. Rao, the authorised representative of the union, filed a rejoinder to the written statement of the contractor, on June 24, 1976. The contractor filed his rejoinder to the written statement of the union on July 29, 1976. On this date, it was made clear that the company was also a party to the reference. The company was earlier represented by Y. S. Jaiswal, its Administrative Officer, but on subsequent dates, both it and the contractor came to be represented by Shri S. S. Mukherjee, their learned advocate.

4. The case of the workmen is that the mine employs about 500 workmen for raising and despatching iron ore; that they are given only basic wages and no Dearness Allowance or variable Dearness Allowance; that their basic wage structure was fixed in 1967 and remained static ever since then even though there has been tremendous rise in the cost of living since then; that the recommendations of the Central Wage Board for Iron Ore Mining Industry made in 1967 have also not been implemented by the mine; that the All India Average Consumers' Price Index No. was 166 in 1967 but it rose to 269 in April 1973 and further to 344 in April 1974; that in view of the above facts, there has been a serious erosion in the real wages of the workmen with the result that their standard of living has gone very low; that they are entitled not only to basic wages but also to Dearness allowance and variable Dearness Allowance at par with similar workmen employed in other Iron Ore Mines situate in the same area; that they should be paid Rs. 260/- per month as basic wages; Rs. 45/- per month as fixed Dearness Allowance and variable Dearness Allowance in accordance with the All India Average Consumer's Price Index No. adjustable in each quarter at the rate of 5 paise per day or Rs. 1.30 per month for every point of increase in the Price Index; that their demand is all the more justified because the mine has withdrawn the facility of supply of rice at subsidised rate since 1974; and that an industrial dispute was raised by the submission of a charter of demands but no heed was paid to it; and hence they are entitled to relief in terms afore-mentioned.

5. The contractor has raised both questions of law and fact. It is pleaded that no industrial dispute was raised by the workmen, or by their duly elected representatives or even by a substantial number of them, either with him (contractor) directly or even indirectly during the course of conciliation proceedings and, therefore, the reference is invalid; that he (contractor) is not a mine owner and as such the Central Government is not the appropriate Government to make the reference; that only a strike notice containing a charter of demands by seven workmen was addressed to the manager but as the contractor has no manager, it cannot be treated as a document raising an industrial dispute; that the monthly-paid workmen dissociated themselves from the charter of demands by their letter dated January 25, 1974 addressed to the Assistant Labour Commissioner (Control), Chaibasa and as such there was no industrial dispute;

that even out of the seven workmen who had given the notice of strike, three had already left service that the contractor has undertaken the contract from the company for the removal of overburden and raising of iron ore from November 1 1972, that he has employed 105 miners and 8 daily rated workmen and 6 monthly-paid employees, that he had been paying a consolidated wage to the workmen and besides had been supplying each workman with 4 seers of rice per week at the subsidised rate of Rs 137 per seer in order to compensate for the rise in the price of essential commodities and the rise in the All India Average Consumers Price Index number that the contractor had to discontinue the supply of rice at the subsidised rate because of his inability to procure rice in bulk quantity from the market in view of the restrictions imposed by the Government, that the question of discontinuance of supply of rice at subsidised rate was discussed with the General Secretary of the recognised union and some workmen of that union and a settlement was reached between the parties on July 8 1974 and as a result of that settlement, the rate of wages per box of iron ore raising and earth cutting was suitably increased in order to compensate for the discontinuance of the rice supply, that two of the workmen involved in the present reference were also signatories to this settlement that the production of iron ore has gone down from 75 000 tonnes in 1970 to 49,000 tonnes in 1973 and consequently the man-power had also to be reduced from 243 in 1970 to 174 in 1973 and further to 119 in June 1974, that the contractor is facing financial crisis, that the consolidated wages paid by him (contractor) compare favourably with consolidated wages paid by owners in other Iron Ore Mines to their workmen that the Minerals and Metal Trading Corporation of India Ltd (herein after referred to as M.M.T.C.) a Central Government undertaking, has the monopoly for purchase of iron ore and has fixed a purchase price with the mine owners including the company and in their turn the mine owners, including the company have fixed a purchase price for their contractors, that it would be beyond his (contractor's) capacity to increase the wage packet and that since other contractors in other Iron Ore Mines are paying similar or lower wages, it would amount to discrimination if he (contractor) is made to pay higher wages

6 In their rejoinder, the workmen have pleaded that the charter of demands was made by seven workmen, who had been authorised to do so by the entire body of workmen that an industrial dispute was raised with the Asstt. Labour Commissioner also and the contractor, who participated in the conciliation proceedings, did not raise any such issue in those proceedings that demand No 3 of the charter of demands related to basic wages Dearness Allowance and variable Dearness Allowance and therefore, the reference is valid and competent, that the dispute is regarding a mine and the Central Government is therefore the appropriate Government to make the reference, that the manager of the mine is the manager of the contractor also because he works in the mine, that the settlement for stopping the supply of rice at subsidised rate was entered into when the conciliation proceedings were pending and, therefore, such a settlement is not binding it is also not binding because the union and the Secretary of that union who entered into the settlement were not entitled to so enter, even though that union was a recognised union because the majority of the workmen were not members of that union, and that two of seven workmen involved in the present reference, who had signed the settlement did not do so voluntarily but on account of fraud

7 In his rejoinder, the contractor has pleaded that he was not a party to the proceedings of the Central Wage Board and its recommendations are not binding on him that the settlement entered into between the parties is a legal and binding document and is still in force and the workmen are not entitled to go behind it, and that he (contractor) cannot be made to pay higher wages than are prevailing in similar mines in the same locality

8 Ext M 10 the Form B Register shows that the total strength of the employees on December 31 1972 was 242 but due to deaths resignations retrenchments and dismissals (in which resignation play a minor part) the strength was reduced to 117 on September 26 1973. The strength increased to 119 by October 28 1974 vide Paragraph 11 of the written statement of the contractor. This number com-

prises 105 miners, 8 daily rated workmen and 6 monthly-paid workmen. It is the admitted case that the 105 miners belong to the category of piece rated workmen and their wages are result oriented that is to say their wages depend upon the outturn of their work

9 The nature of their work is highly strenuous and they have often to work in trying conditions. After the ore is blasted, they have to remove the earth and dirt from it, and then to break the boulders, big or small into smaller sizes according to specifications and then to carry loads of the prepared sizes to boxes kept near or at some distance from them and to pack them in these boxes.

10 A question arises as to what should be the work load for each miner for every working day. The Wage Board for Iron Ore Mining Industry observed in Paragraph 3 14 that there was no uniform system of piece rates, in as much as neither the jobs nor the units of work nor the rates were standardised. In ore mine it was per box and in the other it was per tonne. It was not possible for the Board, therefore to make proper comparison of rates. It discussed the matter further in paragraphs 5 29 onwards and then observed in paragraph 5 39 that it was not possible for it to fix work-loads of different categories of employees and link wages thereto. The same difficulty in the matter of assessment of a work-load has been experienced by me on account of paucity and unreliability of evidence. Ext. M-1 dated October 8, 1976 is a letter sent by the company to the Labour Enforcement Officer (Central), Chaibasa which mentions that the work load was 2 boxes per day per miner. Ext. M 9 purports to be the contract entered into between the contractor and the company on October 20, 1973. Paragraph 13(a) of the contract mentions that 'the norm would be 2 boxes of ore of 20 cft each box per day per miner'. Ext. M 9 was not strictly proved because its original was never produced. However even if it is taken into consideration alongwith Ext. M 1, the contract Ext. M-9 contains an agreement between the contractor and the company, to which agreement the workmen were not parties and which, therefore will not bind them, and Ext. M 1 contains the admission of the company and not what had been agreed to between it and the workmen. Chandi Prasad Sharma MW 2 stated in his deposition that the work-load was 2 boxes per day per miner from before 1970 (in which year he took the contract from the company for the first time) and that work load had remained the same throughout. There is no written agreement between him and his workmen about the work-load, that at any rate, has been plainly conceded by him. Hari Pada Kale, WW 2 admitted in his cross examination that there was an understanding between the workmen and the contractor that each miner would give an outturn of 2 boxes per day. It is admitted on both sides that the size of one box is 20 cft and each box contains 1 tonne of ore. This will mean that the job requirement of a miner is to clean the blasted ore of earth and dirt, to break it thereafter into sizes according to specifications, to carry the prepared sizes to the boxes kept, near or at some distance from him, and to pack them into those boxes. The preparation of 2 boxes is the norm of his work-load, that is to say, he has to give an outturn of 2 tonnes every day. A question here arises as to whether this is a proper and reasonable norm which can ordinarily be achieved by a miner, or is it a norm which is pitched too high. The working hours cannot exceed 8. There is no mechanisation and the entire activity is physical and manual. There should be a proper correlation between human capacity to work and the work-load. The sweat and fatigue must have due consideration in fixing the work load to safeguard against overwork and undue speed. The tendency on the part of a mine owner, or his contractor would be to have as high a yield as possible. The growth of national economy also demands a high rate of productivity. Likewise the piece rates can have no lack of interest to even more which he can do only by giving a better outturn. His sweat is measured by his result. There is however a limit to human capacity beyond which one cannot go for more than a few days. Human life and human activity demand that there should be a minimum wage commensurate to human capacity. A balance has to be struck and a mean has to be devised to harmonise between higher target production and maximum capacity to achieve that target. Paragraph 2 10 of the report of the Wage Board for Iron Ore Mining Industry shows that HSCO's Monoharpur mine is manually

operated. Paragraph 3.14 shows that the work-load was 1-1/2 tonnes. Hari Pade Kale WW-2 stated that even though the understanding was for a performance of 2 boxes per day, it was a task which was impossible of fulfilment and for sometime after the understanding, the miners were able to give an yield of 1-1/2 boxes but subsequently they were unable to give that performance, and consequently it fell back to 1 box per day. I do not see why the norm of 1-1/2 boxes cannot be maintained. True, the norm of 2 boxes is too high, but equally the norm of 1 box is rather low and, therefore, I think that the norm should 1-1/2 boxes per miner per day and the wage should be linked to that.

11. I will now deal with the question of wages. There are three types of wages, namely, 'living wage', 'fair wage' and 'minimum wage'. The Committee on Fair Wages, speaking about a 'living wage' observed that such a wage should enable the male earner to provide for himself and his family not merely the bare essentials of food, clothing and shelter but a measure of frugal comfort including education for the children, protection against ill-health, requirements of essential social needs, and a measure of insurance against the mere important mis-fortunes including old age. The Committee's conception of a 'minimum wage' is that it must provide not merely for the bare sustenance of life but for the preservation of the efficiency of the worker by providing for some measure of education, medical requirements and amenities. With regard to 'fair wage', it observed that it is a wage which is above the minimum wage and below the living wage. Its recommendations with regard to 'fair wage' were that it will depend on a consideration of (i) the productivity of labour; (ii) the prevailing rates of wages in the same or similar occupations in the same or neighbouring localities; (iii) the level of the national income and its distribution; and (iv) the place of the industry in the economy of the country.

12. The terms of reference indicate that the demand of the workmen is for a minimum wage, for it mentions that whether the demand for an increase in their basic wage, dearness allowance and variable dearness allowance is justified, keeping in view the rise in prices of essential commodities and the All India Average Consumer's Price Index Number. It does not mention that the demand is for a 'living wage', or even for a 'fair wage'. It only mentions that it is for increase in view of a steep rise in prices and in the Index Number. The written statement filed by the workmen is certainly not very clear, but it appears that in that also, the demand is for a minimum wage. Shri Lalit Burman, Secretary of the Indian Mine Workers Federation, categorically stated during the course of arguments that the demand was for the fixation of a minimum wage comprising the components of a basic wage, a dearness allowance and a variable dearness allowance. It is not necessary, therefore, to enter into the principles of law which govern the fixation of a living or a fair wage.

13. The demand of the workmen is for a basic wage of Rs. 260/- and of a dearness allowance of Rs. 45/- per month, and a variable dearness allowance @5 paise per day or Rs. 1.30 per month for every point of increase in accordance with the All India Average Consumer's Price Index Number, adjustable in each quarter. The demand is thus for Rs. 305/- per month plus variable dearness allowance calculated in the manner aforesaid on the basis of the increase in the Index Number. They have further emphasized that their demand has become more valid because of the withdrawal of the facility for supply of 4 seers of rice per week per miner at the subsidised rate of Rs. 1.37 per seer.

14. The company and the contractor have resisted this demand on the grounds that (i) production has gone down from 75,000 tonnes in 1970 to 49,000 in 1973 and further to 7,380 tonnes in the first six months of 1974, resulting in reduction of the strength of the employees from 243 in 1970 to 174 in 1974 and further to 119 in June, 1974; (ii) they are facing a financial crisis; (iii) the consolidated wages paid by them compare favourably with and are even more than what are paid by owners of other iron ore mines in the same region; (iv) the M.M.T.C. is the monopoly purchaser of iron ore from mines for sale to public sector steel plants or for export and it pays a fixed purchase price to the mine owners, and in their turn, the mine owners pay a

fixed purchase price to contractors and consequently minimum wage can be fixed, keeping in view the said factors; and (v) the supply of 4 seers of rice at the subsidised rate was stopped but the money value of the subsidy was added to the consolidated wage bill. According to them, the wage-package was Rs. 3.22 per box plus 4 seers of rice in a week since 1967, and after the withdrawal of supply of rice since July 5, 1974, they have been paying a consolidated wage of Rs. 3.80 per box and thus if a miner gives 2 boxes per day for 26 days, his wage-package will come to Rs. 197.60.

15. The principles governing the fixation of a minimum wage, are enshrined in a catena of decisions of their Lordships of the Supreme Court. In the leading case of Express Newspapers (Pvt.) Limited Vs. Union of India, 14 F.J.R. 211, the observation made was :

"According to the concept of the minimum wage adopted by the Committee on Fair Wages a minimum wage must provide not merely for a bare sustenance of life but for the preservation of the efficiency of the worker. For this purpose the minimum wage must also provide some measure of education, medical requirements and amenities. There is also a distinction between a bare subsistence wage or minimum wage and statutory minimum wage. The former is a wage which would be sufficient to cover the bare physical needs of a worker and his family, that is, a rate which has got to be paid to the worker irrespective of the capacity of the industry to pay. If an industry is unable to pay its workmen at least a bare minimum wage it has no right to exist. The statutory minimum wage is, however, the minimum which is prescribed by the statute and it may be higher than the bare subsistence or minimum wage providing for some measure of education, medical requirements and amenities. The Fair Wage is a mean between the living wage and the minimum wage." In Crown Aluminium Works vs. Their Workmen, 13 F.J.R. 292, their Lordships hold;

"There is, however, one principle which admits of no exceptions. No industry has a right to exist unless it is able to pay its workmen atleast a bare minimum wage. It is quite likely that in under-developed countries. Where unemployment prevails on a very large scale, unorganized labour may be available on starvation wages; but the employment of labour on starvation wages cannot be encouraged or favoured in a modern democratic welfare state. If an employer cannot maintain his enterprise without cutting down the wages of his employees below even a bare subsistence or minimum wage, he would have no right to conduct his enterprise on such terms." In Unichoyi vs. State of Kerala, 20 F.J.R. 347, their Lordships summed up the position thus :

"In an under-developed country which faces the problem of un-employment on a very large scale it is not unlikely that labour may offer to work even on starvation wages. The policy is 'to prevent the employment of such sweated labour in the interest of general public and so in prescribing the minimum wage rate the capacity of the employer need not be considered. What is being prescribed is minimum wage rates which a welfare state assumes every employer must pay before he employs labour.' The fact that an employer might find it difficult to carry on his business on the basis of minimum wages is an irrelevant consideration. This is now well-settled. In fixing the floor level or the bare minimum wage, an industrial tribunal will have to consider the position from the point of view of the worker, the capacity of the employer to pay such a wage being irrelevant. In this connection, reference can further be made to Bijay Cotton Mills Ltd. vs. State of Ajmer, 7 F.J.R. 350; Hydre (Engineers) Pvt. Ltd. vs. Their Workmen, 35 F.J.R. 130; and Hindustan Hosiery Industries vs. F.H. Lala 45 F.J.R. 234.

16. In view of the law discussed above, there is no substance in the first two contentions. Ext. M-14 undoubtedly shows that the total production in the year 1973 was 45,289 tonnes, and it fell to 26,452 tonnes in 1974 and rose to 37,630 in 1975. But this can have no relevance because the labour force migrated in large numbers, which may as well have been due to unsatisfactory working conditions or on account of the lure of higher rates of wages elsewhere, or production might have been curtailed due to slump in the export or home market.

17. In support of their third contention, the company and the contractor have relied upon six exemplars Ext. M-1 to M-6 to show that they are paying higher wages to their workmen as compared to the wages paid by owners of other iron ore mines in the same region. It appears that the Labour Enforcement Officer (Central), Chaibasa sent a letter No. 90/2/76-LEU/CH on September 29, 1976 to the company, and to Rattanlal Tarachand, Thakur Prasad Sao, Misilal Jain & Sons, R. McDill & Co. Pvt. Ltd. and to Gyan Chand Jain, all mine owners in the region, enquiring from them about wage rates in their mines during the years 1973, 1974 and 1975. Ext. M-1 to M-6 are their respective replies dated October 8, October 6, October 4, October 11, October 11 and October 6, 1976. The company replied that they paid Rs. 3.22 per box of 20 c.f.t. each and 4 seers of rice at Rs. 1.37 per seer per week in 1973, and Rs. 3.80 per box of 20 c.f.t. each in 1974 and 1975. Rattanlal Tarachand mentioned that the wage rate in their mine was Rs. 2.60 per box of 20 c.f.t. in the years 1973 and 1974 and Rs. 2.75 per box in 1975. Thakur Prasad stated that the wages paid by him were Rs. 3.37 per box of 20 c.f.t. each during all the three years. Misilal Jain replied that the wages paid were Rs. 2/- per box basic and .87 per box as allowance, the size of each box being 155 X 125 X 30 cms in the years 1973 and 1974 but in 1975 the wages paid were Rs. 2.12 per box basic and Rs. 1.47 per box as allowance. R. McDill replied that the rate per box of 160 X 130 X 32 cms size in 1973 and 1974 was Rs. 2/- basic and .87 as allowance but in 1975 it was Rs. 2 basic and Re. 1/- as allowance. Gyan Chand Jain stated that the wage paid by him was Rs. 3.25 per box of 25 c.f.t. in all the three years. The same facts appear from Ext. M-14 prepared by the contractor.

18. It is not possible for me to take these exemplars into consideration due to various reasons. These exemplars were proved by M. Dutta, MW-1 who is a Lower Division Clerk in the Assistant Labour Commissioner's office at Chaibasa. He has no personal knowledge and was examined merely as a formal witness to prove the signatures of the mine-owners. The mine owners themselves did not enter the witness box to stand the test of cross-examination. Their books of accounts on which calculations are based have also not been produced to test the veracity of their replies. Chandi Prasad Sharma MW-2 has also not produced either his own accounts books or those of the company, of which he is the contractor. The test laid down in *Workmen of Balmer Lawrie & Co. Ltd. vs. Balmer Lawrie & Co. Ltd.*, 27 F.J.R. 450 thus remains uncomplished with. Besides, in our country where labour is weakly organised, a process of comparison can only mean the comparing of one unsatisfactory rate of wages with another equally unsatisfactory rate of wages. Moreover, the principles of law laid down in *Greaves Cotton and Company Limited vs. their Workmen*, 26 F.J.R. 311; *Airlines Hotel vs. Workmen*, 1964 (1) LLJ, 415; and *Novex Dry Cleaners vs. Workmen*, 22 F.J.R. 248 where the question of capacity and the wage scale prevailing in comparable industries in the region were considered irrelevant factors, have no application in fixing a minimum wage. Referring to these cases, their Lordships of the Supreme Court observed in *Hydro (Engineers) Pvt. Ltd. vs. their Workmen*, 35 F.J.R. 130 that these were not cases where minimum wage rates were fixed but were cases of fair wages where these two factors had to be taken into account. Their Lordships accordingly rejected the contention that these two factors should be taken into consideration in prescribing a minimum wage.

19. There appears to be no substance in the fourth contention also. The contractor has filed Ext. M-13 which gives the total cost of one tonne of iron ore as Rs. 16.51 and he has stated that the company pays him a price of Rs. 16.75 per tonne and thus there is a margin of profit of 24 paise per tonne only and, therefore, it would not be possible for him to meet any increase in wage. I am not impressed by this for a variety of reasons. Firstly, Ext. M-13 has admittedly been prepared on the basis of several books of accounts which exist in the office of the contractor but he has not filed them in support of his statement. He is an interested party and it is difficult to believe him when he feels shy in submitting the proper documents for verification of his statement by the test of cross-examination. Again, average production, according to him, during the three years 1973, 1974 and 1975, is about 37,000 tonnes. His total average profit would thus come to less than Rs. 9,000

a year before payment of Income Tax. It is difficult to imagine that any one would like to invest an amount exceeding Rs. 1,00,000 to earn a profit of less than Rs. 9,000 in a year. It appears that Ext. M-13 contains an inflated amount so as to give a higher cost of production. Moreover, Chandi Prasad Sharma has deposed that he does not know the rate per tonne which is offered by the M.M.T.C. to the company and unless that is given, it would be difficult to find out the real profit that the company and the contractor make between themselves. In any case, earning of profit is irrelevant in the matter of fixation of a minimum wage and if the company and the contractor cannot give even that wage, it is time they closed down.

20. The fifth contention is that the stoppage of subsidised rice can have no effect on the wage packet. Admittedly, originally the wage had two components, namely, a consolidated wage of Rs. 3.22 per box and supply of 4 seers of rice per workman per week at the rate of Rs. 1.37 per seer against the fluctuating market rate of Rs. 2.25 to Rs. 2.75 per seer. I take the average rate at Rs. 2.50 per seer. Thus, the contractor used to invest Rs. 10 per week per workman over the purchase of rice and charge Rs. 5.48 per week per workman for supply of 4 seers. The element of subsidy comes to Rs. 4.52 per week per workman, or 75 paise per day. The supply of rice was, however, stopped with effect from July 5, 1974 on the basis of the settlement Ext. M-8 dated July 8, 1974 and the withdrawal of the subsidy was compensated by an addition of 58 paise to the wages per box. The wage per box thus came to Rs. 3.80 on and from July 5, 1974. It is on these facts that the contractor has contended that as a matter of fact no dent was made in the wages when the subsidy was withdrawn but compensation was added. The withdrawal has been challenged but I do not think that there is any substance in it. Ext. M-8 shows that the supply of rice was stopped because the contractor was not able to procure it in bulk quantity from the market and to transport and store it at the mine. The withdrawal was the result of a discussion between the company, the contractor and N. Guha, General Secretary of the United Mineral Workers Union and two other workmen—Hari Pade Kale and Francis Bhengra, two of the seven workmen who had initiated the reference. The settlement is signed by the representatives of the company, the contractor, N. Guha and the aforesaid two workmen. N. Guha was admittedly the Secretary on July 8, 1974. The Assistant Labour Commissioner (Central), Chaibasa wrote the letter Ext. M-7 to the company on June 6, 1974 requesting him to confer recognition on the union of which N. Guha was the General Secretary. Ext. M-12 is the letter dated July 9, 1974 from the company to N. Guha mentioning that his union had been recognised from July 8, 1974 in accordance with the directions of the Ministry of Labour contained in their letter dated January 7, 1972. Information about the recognition was given by the company also to the Ministry of Labour by letter Ext. M-11 of even date. The settlement falls under clause (p) of section 2 of the Industrial Disputes Act as a bi-lateral settlement arrived at otherwise than in the course of conciliation proceedings. In terms of Rule 58 of the Industrial Disputes (Central) Rules, 1957 N. Guha had the authority to sign the settlement. A copy of the settlement was sent to the Secretary, Ministry of Labour, to the Chief Labour Commissioner (Central), and to the Regional Labour Commissioner (Central), as will appear from Ext. M-15, M-16 and M-17 Chandi Prasad Sharma supports these facts. He has further deposed that he had handed over a copy personally to the Assistant Labour Commissioner (Central), a fact which has remained unchallenged. The plea that the settlement was the result of undue influence and fraud was denied by Chandi Prasad Sharma and no reliable evidence was given by the workmen to challenge this statement. I have no reason, therefore, but to come to the conclusion that the settlement was arrived at amicably and it is on that account that the supply of subsidised rice was withdrawn and a compensation, mutually agreed upon, was given in its place. The settlement will bind the workmen because it was entered into by N. Guha as he representative of the workmen of the union.

21. The All India Average Consumers Price Index No. was 166 in the year 1967 with 100 as the base in 1960. The average rose to 202 in 1972; to 236 in 1973; to 303.05 in 1974; to 321 in 1975 and to 294 in the first ten months of 1976. The wage paid from 1967 to July 5, 1974 was Rs. 3.22 per box or per tonne and a subsidy of

Rs. 4.52 for rice every 6 days. From July 5, 1974 after the withdrawal of the subsidised rice, the consolidated wage paid is Rs. 3.80 per box or per tonne. It will be seen from the average price indices mentioned above that there was a steep rise between 1967 and 1974. The average for the first 8 months of 1974 is 289.05, that is to say, there was a rise of 123.05 or say 124 points in the price index between 1967 and the date of the reference, without any increase in the wage. There was, therefore, obviously an erosion in the real wages. The question is whether Rs. 3.80 is a need-based wage or not.

22. It has been recognised that the worker has to live with his family and, therefore, whatever estimation of the needs is to be made, it must ensure that the wages of the worker have to be sufficient to meet the essential requirements of his family also. Secondly, the worker has to be fed, along with his family, according to certain dietetic norms. Thirdly, sufficient clothing and housing facilities have to be provided to him and his family. Fourthly, not merely have these bare necessities of life to be provided but some provisions have to be made also for his medical treatment, the preservation of his health and for education of his children. These are the needs which, it has been generally accepted, should be met by the minimum wage paid to a worker. Fifthly, in calculating the minimum wage, the standard working class family should be taken to consist of the worker and three other consumption units.

23. In order to meet his needs, the following items appear to be necessary :

1. Vegetarian diet (as a minimum wage is being fixed) as recommended by the Indian Council of Medical Research (Dietary allowance for Indians : Table 23 (page-83)—Special Report Series No. 60 (1968).
2. The average cost of this diet at the time of the reference ;
3. Clothing needs at the rate of 16.5 metres per capita per year for himself and three consumption units ;
4. House rent at 7.5 per cent of the total amount ; and
5. Miscellaneous expenditure at 20 per cent of the total amount.

24. The figures for the aforesaid items were calculated by the Third Central Pay Commission on the basis of the average index number 202 for the 12 months ending October 31, 1972 as follows :

| | | |
|------------------------------|---|------------|
| 1. Food | — | Rs. 131.70 |
| 2. Clothing | — | Rs. 10.50 |
| 3. House Rent | — | Rs. 14.71 |
| 4. Miscellaneous expenditure | — | Rs. 39.23 |

Total Rs. 196/- in round figures.

However, the Pay Commission scaled it down to Rs. 185/- per month.

25. A point that requires consideration is as to what would be the level of living of a workman and his family on the basis of the existing wage of Rs. 3.80. The work-load has been fixed at 1 1/2 boxes. His daily income, if he puts in normal physical exertion, would be Rs. 5.70. A workman's total working days in a month are only 26 and the monthly wage-pocket will thus come to Rs. 148.20. According to the usual norm of distribution of expenditure, Rs. 12 per month would be needed for purchase of clothing, Rs. 8.75 for payment of house rent, Rs. 25 for miscellaneous expenditure and there would thus be a balance of Rs. 103/- only for food. The family consists of 4 consumption units and the amount available per capita per month for food comes to Rs. 26. This appears to be ridiculously low; and indeed, at the starvation level, Rs. 26/- will fetch only about 10 K.G. of rice and the daily consumption per capita would be about 333 grams. There will be no pulses, no vegetables, no edible oil, and no Jaggery which are essential for health and efficiency. The workmen have thus made out a case for a higher minimum wage.

26. The next question is as to what should be the new minimum wage. It has been seen above that there has been a rise of 124 points in the price index between 1967 and August 31, 1974. The Wage Board for Iron Ore Mining Industry had recommended that for every variation of 2 points in the price index, the dearness allowance should vary at Rs. 0.06 per day for daily rated workers. The same rate was allowed to piece-raters. See paragraphs 6.36 and 6.54. Since, I am fixing a consolidated minimum wage, I have to see that it does not go near the fair wage and, therefore, I will allow one paise for every point of increase, that is to say, Rs. 1.24 per box per day. The minimum wage per box is thus pegged down at Rs. 5.04. Thus, if the workman gives the normal load which is expected of him, he will be able to earn Rs. 7.56 per day. His total monthly income will thus be Rs. 196.56. This minimum wage shall not be reduced as it has been fixed on price index number 290 as on August 31, 1974.

27. With regard to further increase after the date of reference, the average price index for the first ten months of 1976 is only 294 instead of 290 and, therefore, I do not feel inclined to increase the aforesaid minimum wage.

28. I shall now take up some of the legal objections which were raised in the written statement of the contractor, but in respect of which no arguments were addressed by the learned counsel for him or for the company.

29. The first plea raised in that the company is not responsible for any wages as the workmen are the workmen of the contractor and not the workmen of the company and the company itself does not work the mine. The company is the principal employer. The term "principal employer", in a mine, means the owner of the mine. The company is undoubtedly the owner of the mine and, therefore, it is the principal employer. The "contractor", in relation to an establishment, means a person who undertakes to produce a given result for the establishment through contract labour. The word "establishment" means any place where any industry is carried on. Iron Ore Mining is an industry and the contractor produces a given result by contract labour for the principal employer. The principal employer will, therefore, be equally liable for the payment of the minimum wage to the workmen in the mine.

30. The next plea is that the dispute is in relation to the minimum wage payable to contractor's workmen and, therefore, the Central Government is not the "appropriate Government" to make the reference. There is no substance in this also. The dispute is in respect of workmen in a mine and, therefore, the Central Government is the only "appropriate Government" to make the reference.

31. The third plea is that the Charter of demands was made on the Manager of the contractor but since the contractor has no Manager of his own, it should be taken as if no demand was made on him. The Charter of demands is Ext. W-1 which is addressed, inter-alia, to the Manager, M/s. Eastern Zone Syndicate. The contractor may have no Manager of his own but he does not say that he did not receive the Charter of demands. In any case, admittedly it was delivered to the Manager of the mine and the contractor was subservient to the orders of the Manager of the mine and, therefore, this plea appears to me to be frivolous. The Charter of demands specifically raised a dispute about increase in the basic wage, dearness allowance and variable dearness allowance.

32. The fourth plea is that the seven workmen who raised the dispute had no locus standi to do so on behalf of all the workmen. Santosh Kumar Rao WW-1 is the Secretary of the union. He has deposed that a meeting of the workmen was convened under the Presidentship of Hari Pado Kale on January 13, 1974 of which Ext. W-3 is the minutes. Ext. W-1 shows that seven workmen whose names are given in it were authorised by the General Meeting to issue the charter of demands. That being so, I am of the view that an industrial dispute was raised.

33. No other point has been raised.

34. My award is that the work-load per miner for raising iron ore will be 1 1/2 boxes or 1 1/2 tonnes per day. The minimum wage per box or per tonne could be Rs. 5.04

which will not be reduced. This wage will be payable from September 1, 1974; and both the company and the contractor shall be liable for the payment.

K. B. SRIVASTAVA, Presiding Officer

[No. L-26011(5)/74-LR. IV/D. IV(B)]

BHUPENDRA NATH, Desk Officer.

New Delhi, the 27th December, 1976

S.O. 321.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Bhowra Colliery of Messrs Karamchand Thapar and Brothers, Post Office Bhowra, District Dhanbad and their workmen, which was received by the Central Government on the 27th December, 1976.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-

LABOUR COURT NO. 3, DHANBAD

Reference No. 44 of 1969

PARTIES :

Employers in relation to the management of Bhowra Colliery of M/s. Karamchand Thapar and Brothers, P.O. Bhowra, Dist. Dhanbad.

AND

Their workmen represented by Colliery Mazdoor Sangh, P.O. Bhowra, Dist. Dhanbad.

APPEARANCES :

For Employers—(1) Sri T. P. Chowdury, Advocate on behalf of erstwhile management. (2) Sri S. S. Mukherjee, Advocate on behalf of Bharat Coking Co. Ltd.

For Workmen—Sri P. K. Bose, Secretary

Industry : Coal.

State : Bihar

Dated, Dhanbad, the 17th December, 1976

AWARD

This is a reference U/S 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947) made by the Government of India, Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) and referred to this Tribunal for adjudication by Ministry's Order No. 2/101/69-LRII dated 7-7-69. The schedule of the reference is as follows:—

SCHEDULE

"Whether the management of Bhowra Colliery of Messrs Karamchand Thapar and Brothers, P.O. Bhowra, Dist. Dhanbad, having regard to their financial capacity are justified in not paying Variable Dearness Allowance as per the recommendations of the Wage Board for Coal Industry. If not, what should be the quantum of Variable Dearness Allowance and from what date?"

2. The schedule shows that M/s. Karamchand Thapar and Brothers are Incharge of the management of Bhowra Colliery and a copy of this reference has been forwarded to the Agent, Bhowra Colliery of M/s. Karamchand Thapar & Sons (P) Ltd.

3. The point for adjudication is that having regard to the financial capacity of the management whether they are justified in not paying Variable Dearness Allowance (V.D.A.) as per the recommendations of the Wage Board for coal industry. It is also to be determined as to what would be the quantum of V.D.A. and from which date.

4. The dispute has been raised by the workmen of Bhowra Colliery and they are represented by Colliery Mazdoor Sangh, P.O. Bhowra, Dist. Dhanbad.

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5. There are certain admitted facts in the dispute. Bhowra KanKanee Collieries Ltd., owned 4 collieries of which Bhowra Colliery was one. These collieries were previously owned by the Eastern Coal Co. Ltd. M/s. Bhowra KanKanee Collieries Ltd., acquired them on 1-1-1955. M/s. Bhowra KanKanee Collieries Ltd., merged with M/s. Oriental Coal Co. Ltd., with effect from 1-7-69 in pursuance of the Order of the Calcutta High Court in Co.'s petition No. 123 of 1970 connected with Co.'s application No. 412 of 1969. The Oriental Coal Company had several collieries under their management and after amalgamation it came to own quite a large number of collieries including those which were owned by M/s. Bhowra KanKanee Colliery Ltd.

6. M/s. Karamchand Thapar & Bros. (P) Ltd., were the Managing agents and were also the Secretary and Treasurers in respect of all the companies owned by M/s. Oriental Coal Co. Ltd., and M/s. Bhowra KanKanee Collieries Ltd.

This position continued till 30-6-69 when by operation of law managing agency system was abolished.

7. From the above it would appear that Bhowra Colliery was one of the units under the management of M/s. Bhowra KanKanee Collieries Ltd., and subsequently of M/s. Oriental Coal Co. Ltd.

8. Dispute relates to the payment of V.D.A. @ Rs. 0.78 paise from 15-8-67 to 30-9-67, @ Rs. 1.11 paise from 1-10-67 to 31-3-68 and @ Rs. 1.47 paise from 1-4-68. It is said that the quantum varies according to the rise and fall of the cost of living index in the formula prescribed by the Wage Board for coal industry.

9. It appears that there was a conciliation proceeding and the parties represented their case before the Asstt. Labour Commissioner (Central) and as no amicable settlement could be arrived at, the conciliation ended in failure and a report was sent to the Ministry when the matter was referred to the Tribunal as said above.

10. According to the workmen, with effect from the 15th August, 1967 a new scale and emoluments had come into operation in terms of the recommendations of the Central Wage Board for coal mining industry and the management of Bhowra Colliery agreed to implement the recommendations by an agreement dated 29-9-67 Ext. M-1-W-1 between the employers and the workmen represented by Colliery Mazdoor Sangh. It is said that this agreement is unconditional and the recommendations of the Wage Board including payment of V.D.A. has to be implemented. At no time the management of Bhowra Colliery had any financial difficulty and it is said that the financial capacity of the management cannot be a ground for non-payment of V.D.A., once having accepted the same. Having paid the minimum slab of 0.78 paise the higher rates when fallen due must also be paid to the workmen. According to them the payment of V.D.A. is a must irrespective of the financial capacity of the management and this is based on the minimum requirement of the workmen. It is said that in no circumstance the management can withhold payment of V.D.A. on any ground whatsoever.

11. In their written statement the employers have raised a point that the present reference is not at all maintainable and is wholly misconceived in as much as M/s. Karamchand Thapar & Bros. (P) Ltd., are not the owners of Bhowra Colliery which was one of the units of M/s. Bhowra KanKanee Collieries Ltd., which subsequently merged with M/s. Oriental Coal Co. Ltd. In this respect it is further said that the second page of the order forwarding the schedule to the Tribunal would show that its copy was forwarded to the Agent, Bhowra Colliery of M/s. Karamchand Thapar & Sons (P) Ltd., and thus there is discrepancy which is apparent on the face of the record. It is said on their behalf that M/s. Karamchand Thapar & Bros (P) Ltd., were the Managing Agents and never the owners of the above mine.

12. The other point that has been raised is that the Bhowra Colliery is not an independent and separate industrial unit in as much as M/s. Bhowra KanKanee Collieries Ltd., were the owners of several collieries including the present one and after the merger M/s. Oriental Coal Co. Ltd., which have been added as a party, became the owners

of those collieries which were under the management of M/s. Bhowra KanKanee Collieries Ltd., besides those under their own management. On this ground objection is that the entire reference is bad as it is only with respect to the Bhowra Colliery and it is alleged that the financial capacity cannot be considered independently of M/s. Bhowra KanKanee Collieries Ltd., and cannot form the subject matter of reference.

13. Another point that has been taken on behalf of the management is that besides the settlement of 1967 there was another settlement on 13-11-69 U/S 18 of the Industrial Disputes Act, 1947 read with Rule 58 of the Industrial Disputes (Central) Rules, 1957, Ext. M-2 copies of which were jointly sent to the Central Government, the then Labour Commissioner (C) New Delhi and the Regional Labour Commissioner (C) and to the Conciliation Officer (C). The settlement came into operation U/S 19 of the Industrial Disputes Act with effect from 13-11-69 and this has not been terminated by either party as required U/S 19(2) of the Act. The settlement being subsisting and binding on the parties the present reference cannot be proceeded with as in fact in terms thereof there cannot be any dispute with respect to the payment of V.D.A.

14. Regarding their financial position the employers have said that the Bhowra Colliery produces coal of different grades commonly known as Grade E & G which are suitable for washing and the bulk is supplied to M/s. Hindustan Steel Ltd. With a view to ensure output and good working they have invested huge sums of money and have installed sophisticated machineries. Necessarily the cost of production is on the higher side. The Bhowra Colliery comprises of two separate mines commonly known as Bhowra North and Bhowra South. The mines are gassy and 14 Seam and part of 13 Seam are on fire for a pretty long time which requires huge expenses to take precautionary measures and this increases the cost of raising. In order to judge the financial capacity of the Bhowra Colliery the profit and loss of M/s. Bhowra KanKanee Collieries Ltd., have to be taken into account and it is not a correct to speak about Bhowra Colliery alone which by itself has no separate existence financially.

15. Regarding V.D.A. it is said that the company was paying wages to different categories of workmen in accordance with the provisions of different coal awards prior to 15-8-67 when coal was a controlled commodity. Whenever there was increase in the V.D.A. etc. price of coal was suitably increased and consequently there was no difficulty in payment. From 15-8-67 a new wage scale was introduced in terms of the recommendations of the Central Coal Wage Board and there was an agreement as stated above. With the price index increasing the V.D.A. payable as per recommendations of the Wage Board was increased from 0.78 paise to 1.11 paise and then to 1.47 paise which was beyond the capacity of the coal industry in general and the employers in particular to pay. The Hindustan Steel Ltd., being the bulk purchasers, whenever the price of coal which was decontrolled was raised, V.D.A. was increased and there was a second agreement between the management and the workmen in which note was taken of the financial capacity of the employers. It cannot be said that in this circumstance the contention regarding financial position is incorrect. It is also said on their behalf that the recommendations of the Wage Board have no statutory force and payment according to them irrespective of the financial capacity of the employers is a must, is unwarranted and not tenable.

16. According to the terms of reference as I have said earlier the financial capacity of the employers has to be considered and then it is to be found out whether the recommendations of the Wage Board for Coal Industry with respect to it can be implemented. The question of Dearness Allowance and Variable Dearness Allowance as well as the concepts of living wage, fair wage and minimum wage were considered by the Central Wage Board for the Coal Mining Industry. The Wage Board also entered into the question of neutralization of the rise in the cost of living by the rise in the dearness allowance and referred to the case of Bakingham & Karnatak Mills reported in 1952 L.A.C. page 490 where the Labour Appellate Tribunal had occasion to examine the impact of the rise in prices upon the wage structure and took the view that full neutralization of the rise in the cost of living was an unattainable

ideal and observed "the industrial worker should also be called upon to make sacrifice like all other citizens affected by the rise in prices due to abnormal conditions and complete neutralization would tend to add fillip to the inflationary spiral". In the case of the Clerks of Calcutta Tramways and Calcutta Tramways Co. 1956 II L.L.J. Page 450 their Lordships of the Supreme Court held that "we can now take it as settled that in the matters of the grant of dearness allowance except to the very lowest class of manual labourers whose income is just sufficient to keep body and soul together it is impolitic and unwise to neutralise the entire rise in the cost of living by dearness allowance". After considering the above observations the Wage Board recommended neutralization at a rate with respect to per point rise per day and they also evolved a formula for compensating the increases in the cost of living index beyond index No. 166.

17. In India we are striving to provide living wage to a workman, but as the position stands at present the minimum wage is the wage which must be provided by each industry to its workmen and the industry which is not able to do that has no right to exist. In order that an employee may not have the wage merely for more sustenance of life but for the preservation of his efficiency by providing for some measure of education, medical requirement and amenities, dearness allowance and variable dearness allowance are given. In the case reported in A.I.R. 1969 S.C. 360 in the case of Bengal Chemical, their Lordships of the Supreme Court considered the principle for fixing of dearness allowance and held that the additional financial burden which a revision of the wage structure or dearness allowance would impose upon an employer who has ability to bear such burden, are very material and relevant factors to be taken into account. This principle is equally applicable to the variable dearness allowance and in the instant case we are concerned with the same.

18. It has been contended on behalf of the workmen that V.D.A. is part of the wages and whether there is profit or no profit the management has to pay it. But as we have just seen above, although it is a part of the wages its payment cannot be isolated from the financial burden that it will impose upon the employer. Here the balance sheet with schedules as on the 30th June, 1969 and notes on the profit and loss account for the half year ended on the 30th June, 1969 Ext. M-3, report and accounts for the year ended 31st December, 1968 Ext. M-6, reports and accounts ended 31st December, 1969 Ext. M-6/1, reports and accounts ended 31st December, 1967 Ext. M-6/2 have been brought on record to show that in fact the Bhowra KanKanee Collieries Ltd., were not making profits which would have necessitated the granting of V.D.A. every six months with the rise of price index. Sri B. B. Ghosh is witness No. 1 for the management who was Accounts Officer of M/s. Oriental Coal Co. Ltd., for about 20 years and had also connection with M/s. Bhowra KanKanee Collieries Ltd. He has stated that having regard to the financial position of the two companies they were not in a position to pay V.D.A. to the employees according to the recommendations of the Coal Wage Board. He has further said that with reference to the profit and loss account it appears that at the close of 1967 the Bhowra KanKanee Collieries Ltd., incurred a loss of Rs. 9,61,289 and at the end of 1968 the company had a profit of Rs. 9,46,229. The balance of the loss at the close of 1968 came to Rs. 15,000. He has further said that in the year 1969 upto the 30th June the company made a profit of Rs. 28,055. There was a provision of payment of income tax to the extent of Rs. 14,000. After meeting this expense and the loss sustained at the close of 1968 there was practically neither any profit nor loss. His evidence is that the financial position of the Bhowra KanKanee Collieries Ltd., had considerably depleted and, therefore, development of the Colliery by the company was not possible and merged with M/s. Oriental Coal Co. Ltd.

19. MW-2 is Sri Harbanslal Kapoor, Auditor and Accounts Officer of M/s. Oriental Coal Co. Ltd., was also Accounts and Audit Officer of M/s. Bhowra KanKanee Collieries Ltd., since 1955. He has stated that the Bhowra KanKanee Collieries Ltd., used to make payment of wages to the workmen according to the Labour Appellate Tri-

bunal's Award and V.D.A. was also paid. There was a conciliation proceeding and during the pendency the Hindustan Steel Limited agreed to raise the price of coal to Rs. 5 per ton and the management agreed to implement the Coal Wage Board recommendations with the then existing V.D.A. of 0.78 paise per head. His evidence further is that from 1-10-67 the V.D.A. came to Rs. 1.11 paise per head which could not be paid. In September, October, 69 again strike notice was given for increase of V.D.A. and there was conciliation followed by a settlement and the management agreed to pay V.D.A. @ Rs. 1.29 paise from 1-10-69. He has stated that further as a gesture of good will we paid the V.D.A. @ Rs. 1.11 paise from 15-9-69 to 30-9-69 as in the meantime the Hindustan Steel Limited had increased the price of coal by Rs. 1.75 paise per ton.

20. Ext. M-4 is the statement showing difference of V.D.A. in Bhowra KanKanee Collieries Ltd., for the period from 1-10-67 to 30-9-69 and it shows that the total burden on account of the V.D.A. would run into lacs and it would increase from Rs. 2.07 lacs to Rs. 14.97 lacs during the period from 1-1-68 to 31-3-68 and 1-4-68 to 31-12-68 and to Rs. 12.57 lacs in the period from 1-1-69 to 15-9-69 and 16-9-69 to 30-9-69. Ext. M-5 shows the difference between V.D.A. payable and the V.D.A. actually paid.

21. From the evidence of the above two witnesses and the profit and loss account as well as the balance sheet and the schedule annexed thereto it would appear that during the period in question M/s. Bhowra KanKanee Collieries Ltd., were not making profits and the financial burden on account of V.D.A. would have been quite enormous. I have already said above that M/s. Bhowra KanKanee Collieries Ltd., had besides the Bhowra Colliery several other collieries under their management and the balance sheet as well as other connected documents are with respect to M/s. Bhowra KanKanee Collieries Ltd., and not with respect to Bhowra Colliery alone. As the position stands we have to look to the profit and loss of M/s. Bhowra KanKanee Collieries Ltd., and not of Bhowra Colliery separately.

22. Ext. M-1 is the copy of settlement dated 29-9-67 and Ext. W-2 is a settlement of the same date and it has been filed on behalf of the workmen. Ext. M-2 is the copy of settlement dated 30-11-69. The second settlement has superseded the previous one and it came into existence during the pendency of this reference. The terms of settlement are as follows:—

- (1) The management on behalf of collieries above named agreed to pay V.D.A. @ Rs. 1.29 paise per day with effect from 1-10-69. The actual payment will however start with effect from 3-11-69 in case of weekly paid workers and from 1-11-69 for monthly paid staff. The arrears in this account will be paid in due course.
- (2) The question of arrears regarding V.D.A. and annual increment will be discussed mutually between the management and union.

On behalf of the management it has been contended that this settlement is existing and therefore there is no industrial dispute as such which can be adjudicated upon and an award given. It is submitted that in fact the settlement has to be incorporated in the award and the reference has to be answered accordingly. It is not the case of the workmen that this settlement has been terminated by either party and, therefore, as provided U/S 19(2) of the Industrial Disputes Act, 1947, it is binding and will govern question of V.D.A., according to the terms incorporated therein. Position is that by this settlement all disputes came to an end and it is immaterial as to what was the financial condition of the management and whether V.D.A. would be payable having regard to their financial capacity. I have said above that during the period in question financial condition of Messrs Bhowra KanKanee Collieries Ltd., and thereafter of Messrs Oriental Coal Co., Ltd., was not such as to bear the burden of gradual increase in the V.D.A. and the management was not in a position to share the burden on that account. But that matter apart, the position is that the terms of settlement arrived at between the parties on 30-11-69 are binding and the payment of V.D.A. will be regulated by the same. This however will be the position

with respect to weekly paid workers from 3-11-69 and for the monthly paid workers from 1-11-69. So far as arrears regarding V.D.A. is concerned that would be decided mutually by discussions between the parties.

23. It is not at all necessary to consider the infirmities in the reference that have been pointed out as the parties have brought all possible materials on record in support of their case and it is needless to say anything about it.

24. Position boils down to this that by the settlement Ext. M-1 the management paid V.D.A. @ 0.78 paise per head per day and it was valid upto 30-9-67. Since thereafter although V.D.A. was increased from time to time it was not according to the rate payable. Thus there are arrears and according to Ext. M-2 it is to be decided by mutual discussion and no award can be given on that point. Thus, the settlement Ext. M-2 is incorporated into award and the reference is answered accordingly.

S. R. SINHA, Presiding Officer

[No. 2/101/69-LR. II/D. III(A)]

New Delhi, the 5th January, 1977

S.O. 322.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Raj Colliery of Messrs Coal Mines Authority Limited, Post Office Mugma, District Dhanbad and their workmen, which was received by the Central Government on the 28th December, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 19 of 1974

(Ministry's Order No. L-2012/168/73-LR II, dated, the 21st December, 1974)

PARTIES :

Employers in relation to the Management of Raj Colliery of Messrs Coal Mines Authority Limited, Post Office Mugma, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri N. Laik, Advocate.

For Eastern Coalfields Ltd.—Shri T. P. Choudhury, Advocate.

For the Workmen—Shri J. D. Lal, Advocate.

State : Bihar.

Industry : Coal.

Dhanbad, dated, the 24th December, 1976

AWARD

One Dharendra Nath Sen was the owner of the Raj Colliery. Mukti Pada Das, one of the workmen involved in this reference, alleges that he was appointed as a shot-firer colliery by the owner on December 6, 1972 while Gunendra Nath Dey, the second workman involved in this reference, alleges that he was appointed as a leading supervisor by the owner on July 11, 1972. The management of the Raj Colliery vested in the Coal Mines Authority Limited, a Government company, on January 31, 1973 under clause 3 of the Coal Mines (Taking Over of Management) Ordinance, 1973 which was subsequently replaced by the Coal Mines (Taking Over of Management) Act, 1973. The Coal Mines Authority Limited stopped Muktipada Das from work with effect from February 26, 1973 and Gunendra Nath Dey with effect from February 12, 1973. Their case is that they were so stopped verbally without assigning any reason and without being afforded an opportunity to show that they were genuine workmen. The coal mine was nationalised by the Coal Mines (Nationalisation) Act, 1973 and the right, title and interest of the old owner in relation to it stood transferred to and vested abso-

lately in the Coal Mines Authority Limited with effect from May 1, 1973 by force of section 3 of the Act. The case of the two workmen was espoused by the Secretary, Bihar Colliery Kamgar Union, who approached the Assistant Labour Commissioner (Central) for conciliation. During the course of conciliation proceedings, the Coal Mines Authority Limited pleaded that in anticipation of the Ordinance certain persons having control over records in coal mines, manipulated the records by entering the names of a large number of persons as workmen in the collieries from back dates and this process came to be commonly known as "induction" and these two workmen also got their names entered in the colliery records fictitiously and when this came to notice, the Coal Mines Authority Limited had no option but to stop them from work with effect from the dates aforesaid when after enquiry it had been found that these two workmen were inductees and not genuine workmen. The conciliation proceedings ended in failure and the Assistant Labour Commissioner (Central) submitted his failure report on October 31, 1973 with the result that the Central Government, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Raj Colliery of Coal Mines Authority Limited, Post Office Mugma, District Dhanbad, in stopping the services of Sarvasri Muktipada Das, Shot-firer coolie, and Gundendra Nath Dey, Leading Supervisor with effect from the 26th February, 1973 and the 12th February, 1973 respectively is justified? If not, to what relief are the concerned workmen entitled?"

2. After the usual notices, the workmen filed their written statement on May 14, 1976 in which they have pleaded what has been stated above and have prayed for their reinstatement with continuity of service and full back wages and other emoluments. They have denied that they were inductees and have alleged that they were genuine workmen and the act of stopping them from work was wholly unjustified and is also violative of the principles of natural justice.

3. The Coal Mines Authority Limited filed its written statement sometime in January, 1975 and pleaded that the dispute raised by the workmen is in relation to matters which arose before May 1, 1973 and, therefore, no enforceable award can be passed against it under section 7(2)(b) of the Coal Mines (Nationalisation) Act, 1973 and since these two workmen were never in the employment of the Raj Colliery, their case cannot be covered by section 14(1) of the said Act. The Coal Mines Authority Limited was substituted subsequently on January 1, 1975 by a holding company called Coal India Limited. The Eastern Coalfields Limited is a subsidiary company of this holding company and, therefore, the Coal Mines Authority Limited disappeared from the scene and the Eastern Coalfields Limited filed its own written statement on August 6, 1976. No further reference to its written statement need be made as the pleas taken by it are the same as were taken by the Coal Mines Authority Limited. The Eastern Coalfields Limited filed a rejoinder also to the written statement of the workmen on September 13, 1976 and pleaded that the two workmen were never in the employment of the Raj Colliery and they had rightly been stopped from work by the Coal Mines Authority Limited and the Tribunal has no jurisdiction to pass any award against it.

4. The workmen prayed that the quendam owner Dharendra Nath Sen should also be impleaded as a party; but since he had died on January 31, 1976, his son Sunil Kumar Sen was impleaded and he filed his written statement on November 5, 1976. He has denied that the two workmen were ever in the employment of the Raj Colliery and has supported the case of the Coal Mines Authority Limited and the Eastern Coalfields Ltd. that they were inductees who had managed to have the records forged in order to show that they were genuine workmen. He has further pleaded that the entire area of the Raj Colliery was 8 bighas and mining operations were confined to an area of 40 x 20 only with a total man-power of 50 workmen; that the Raj Colliery had no license for explosives as coal was raised by manual cutting and not by blasting and, therefore, there was neither a post for a shot-firer or a shot-firer coolie nor was Mukti Pada Das ever employed as a shot-firer coolie; that the total produc-

tion did not exceed 400 tonnes per month and the entire loading, whether in railway wagons or in trucks, was supervised by his late father Dharendra Nath Sen and Gundendra Nath Dey was never employed as leading supervisor; and that since the two workmen were stopped from work not by his father but by the Coal Mines Authority Limited, he cannot be made liable either for reinstatement or for payment of back wages etc.

5. The order of reference proceeds on the assumption that Mukti Pada Das was stopped from work on February 26, 1973 and Gundendra Nath Dey from February 12, 1973 and the dispute referred is whether the act of stopping them from work is justified. It has been seen above that the case of these two workmen is that they were regular workmen on the establishment of the Raj Colliery whereas the case of the Eastern Coalfields Limited is that they were inductees pure and simple parading themselves in the guise of workmen and it is because of this that they had to be stopped from work. One has, therefore, to find out the truth between these two versions.

6. I will take up the case of Mukti Pada Das first. He alleged in the written statement that he was appointed as a shot-firing coolie on December 6, 1972. MW-1 Dr. Sunil Kumar Sen has deposed that the Raj Colliery had no license for storing explosives and there was no magazine to store it. He has further deposed that coal was raised by manual cutting by use of a cutting instrument and blasting was never done. He further stated that he never saw Mukti Pada Das working as a shot-firer coolie. It is not possible to place reliance upon the last portion of his testimony because he is only 26 years old and was in education at Calcutta ever since he was 11 or 12 years old and returned to his parental house near the coal mine in 1976 when his education was over. But there is no reason to disbelieve his testimony when he says that there was no license for explosives and there was no magazine to store it and that no blasting was ever done and coal was raised only manually. He used to go on visit of the colliery alongwith his father ever since 1956 and is expected to know about these things. Even Mukti Pada Das admits that there was no magazine in the colliery for the storage of explosives nor has he any knowledge if there was any license for purchase and storage. Coal Mines Regulation 160 provides that no owner, agent or manager shall store, or knowingly allow any other person to store, within the premises of a mine any explosives otherwise than in accordance with the provisions of the rules made under the Indian Explosives Act, 1884, and explosives shall not be taken into or kept in any building except a magazine duly approved by the Licensing Authority under the Indica Explosives Act, except in certain circumstances, which are not material for our present purpose. Regulation 162 provides that every magazine, or store premises, where explosives are stored shall be in charge of a competent person who shall be responsible for the proper receipt, storage and issue of explosives. It further provides that explosives shall be issued only to competent persons upon written requisition signed by the shot-firer or by an official authorised for the purpose, and only against their signature or thumb-impression. Regulation 166 says that the preparation of charges and the charging and stamming of holes shall be carried out by or under the personal supervision of a competent person called a "shot-firer". The shot-firer shall fire the shots himself; and no person shall be appointed to be a shot-firer unless he is the holder of Manager's Overman's Shot-firer's Certificate Mukti Pada Das admitted that there was no shot-firer in the employment of the Raj Colliery and that the work used to be done by a mining sirdar. He has also stated that the Manager used to issue explosives for carriage to the mine and the witness used to carry the explosives to the mine. However, he does not know where the explosives used to be stored. I am not prepared to believe this statement. It is difficult to imagine that explosives would be needed when the mining operations were confined to a small area of 800 sq. feet. Besides, it is difficult to believe that the owner would be such a dare-devil that he would break the law by not obtaining a license for keeping explosives, or he would break the law by keeping it at any place which is not a magazine. Again, it is not possible to believe that he would be able to procure explosives from a dealer without the production of a license. Likewise, there would hardly be any need for engaging a shot-firer or a shot-firer coolie when there is nothing to be shot. Similarly, it is not possible to believe that Mukti Pada Das would carry the explosives but would not know about the place of its storage. He gave out his age as 19 years at

the time of his deposition and that would show that he would have been about 15 years old at the time of his appointment and it is difficult to hold that a minor would be employed to dabble with explosives, a highly inflammable and dangerous material. He admits that no appointment letter was ever issued to him. No bonus card was also issued to him and though he stated in one breath that bonus used to be paid to him, he had to admit in the next that it was never paid to him. The oral evidence, therefore, does not establish that he ever worked in the Raj Colliery as a workman.

7. I will now take up the oral evidence with regard to Gunendra Nath Dey. Dr. Sunil Kumar Sen MW-1 deposed that the total area of the Raj Colliery was 8 standard bighas, but coal was excavated only from an area of 800 sq. feet out of it. He has further deposed that the total man-power never exceeded 40-50. The total monthly production ranged between 400-500 tonnes. He has then deposed that coal used to be despatched mostly in trucks and only occasionally in railway wagons and his father used to supervise the entire loading work and he never saw Gunendra Nath Dey working as a loading supervisor. It is true that he was out at Calcutta for education from the age of 11 years till 1976 when he returned from Calcutta to his parental house on the conclusion of his studies. It is also true that he was unable to recognise each individual workman employed in the colliery but there is no reason to disbelieve him when he states about the area of extraction, or about the total man-power strength or about the total production or about the manner of carriage of excavated coal or the manner of supervision of loading operations. Gunendra Nath Dey MW-1 has certainly deposed that he was appointed as a loading supervisor on July 11, 1972 and his name was entered in Register B and he continued to work as such till his services were terminated with effect from February 12, 1973. He also appears to me to have been an inductee. No appointment letter was ever issued to him in spite of his demand. No Bonus Card was also ever issued to him. He has certainly stated that bonus used to be paid to him but he had to admit that he never signed on the Bonus register in token of payment of bonus. His explanation that he could not sign on the Bonus Register because his services had been terminated earlier is not plausible at all in as much as soon as he received the bonus he would be required to sign on the Register, and the absence of his signature indicates that bonus was never paid to him.

8. I will now deal with the two pieces of documentary evidence which have been exhibited before me. Ext. W-1 is Register B. It certainly contains the name of Gunendra Nath Dey at Serial No. 222 and the entry shows that he was given an appointment on July 11, 1972. Likewise, the name of Mukti Pada Das is entered at Serial No. 229 and the date of appointment given is November 6, 1972 instead of December 6, 1972 as pleaded by him. His age at first mentioned was 34 but was later corrected to 24 though his real age is only 19. His designation is mentioned as Night-Guard but this was scored out and later the designation given was shot-firer coolie. It appears to me that the names of a large number of persons were entered fictitiously in this Register. This Register shows that two persons were employed in 1964; 9 in 1965; 5 in 1966; 5 in 1967; 6 in 1968; 1 in 1969; 49 in 1970; 45 in 1971; 51 on January 6, 1972; 9 on March 21, 1972; 13 on March 29, 1972; 6 on April 17, 1972; 18 on April 25, 1972; 3 on May 9, 1972; 1 each on June 17, 1972; June 30, 1972; July 3, 1972; July 11, 1972; July 19, 1972; August 4, 1972; August 12, 1972; September 19, 1972 and October 6, 1972; 2 on November 6, 1972; 8 on November 14, 1972 and 1 on November 16, 1972. However, if we take into consideration the number of persons who resigned or whose services were terminated in the said years, it would be found that the number of workmen actually working were 2 in 1964; 10 in 1965; 15 in 1966; 18 in 1967; 18 in 1968; 19 in 1969; 68 in 1970; 39 in 1971; and 160 in 1972. Sunil Kumar Sen appears to have told the truth that the average number of persons employed in the colliery ranged between 40-50. What then was the reason for such a large increase in 1972 when the figure reached the peak number of 160. It appears that fictitious names were entered. As many as 160 persons would not be required to raise 400-500 tonnes of coal per month. The wage bill would be so exorbitant that the colliery would have to be closed down. A loading supervisor would not be needed to look after the

loading of 15-20 tonnes of coal per day. It is not safe, therefore, to place reliance upon the Register Ext. W-1. The next document is the Bonus Register Ext. W-2. The name of Mukti Pada Das is entered on page 40 and that of Gunendra Nath Dey on page 41. The designation of Mukti Pada Das is not given. The date of his appointment is mentioned as November 6, 1972 although he has sworn that he was appointed on December 6, 1972. His working has been shown in the week ended February 3 and February 10 only which shows that he has not worked at all prior to that. Gunendra Nath Dey has also been shown to have worked in these two weeks only although he claims to have worked from six months earlier. No payment of bonus has been made to either of them. None of them has signed the Bonus Register. The paying authority has also not signed it. It is true that the pay-sheets were not produced by the management on the allegation that these were not traceable and no evidence was led to prove that they are missing but it appears that they are really not traceable because the Eastern Coalfields Limited has readily produced Register B and the Bonus Register, which also it could have withheld but has not done so.

9. In the circumstances, I am of the view that these two workmen were inductees pure and simple who had worked casually for a few days from the beginning of February 1973 and they were stopped from working when they were detected working unauthorisedly.

10. The next question is as to what relief can be granted to them. The management of the colliery was taken over by the Coal Mines Authority Limited on January 31, 1973 and the ownership of Dharendra Nath Sen in it vested in the Coal Mines Authority Ltd. on May 1, 1973 and subsequently in the Eastern Coalfields Ltd. The reliefs that the two workmen claim are: (1) reinstatement with effect from the date of their respective stoppage, and (2) wages. Section 7(1) of the Coal Mines (Nationalisation) Act says that every liability of the owner of a coal mine, in respect of any period prior to the appointed day, shall be the liability of such owner and shall be enforceable against him and not against the Central Government or the Government company. Section 7(2) provides that for the removal of doubts, it is hereby declared that: (a) save as otherwise provided elsewhere in this Act, no claim for wages, in relation to a coal mine in respect of any period prior to the appointed day, shall be enforceable against the Central Govt. or the Government company; (b) no award of any Tribunal in relation to any coal mine passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government company; and (c) no liability for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company. Similar provisions of the Coking Coal Mines (Nationalisation) Act, which are in pari-materia, came up for interpretation before a Division Bench of the Patna High Court in the Bharat Coking Coal Limited Vs. Dhanbad Colliery, 1976 Lab. I.C. 1513. It was held that a workman who had been dismissed illegally before the appointed day cannot be ordered to be reinstated by an award passed after the appointed day. No award, therefore, can be passed against the Eastern Coalfields Limited for reinstating the two workmen. No award can be passed against Sunil Kumar Sen also because he had neither stopped these workmen from working nor is he in a position to reinstate them; even if he so wishes because he was not in management of the colliery during the period January 31 1973 to April 30, 1973 and ceased to be the owner from the appointed day, namely, May 1, 1973. The learned counsel for the two workmen, however, argued that the Eastern Coalfields Limited should be deemed to be the owner within the meaning of clause (b) of the Mines Act for the purpose of Section 7 of the Coal Mines (Nationalisation) Act and, therefore, it should be held liable for reinstatement and payment of wages. Undoubtedly, clause (c) of Section 2 of the Coal Mines (Nationalisation) Act says that words and expressions used therein and not defined in the Act have the meanings respectively assigned to them in the Mines Act. The word "owner" has not been defined in the Coal Mines (Nationalisation) Act and, therefore, it will have the same meaning as has been assigned to it in the Mines Act. The definition in the Mines Act

says that "owner", when used in relation to a mine, means any person who is the immediate proprietor of the mine but does not include a person who is merely the proprietor of the mine subject to any lease grant or licence for the working thereof, or is, merely the owner of the soil and not interested in the minerals of the mine etc. I do not think that this definition makes any difference. The old owner remained the owner of the mine during the period January 31, 1973 and April 30, 1973. He was the immediate proprietor. The Coal Mines Authority Ltd. was only in management on his behalf. From May 1, however, the old owner ceased to be the owner. The legal position thus remains the same.

11. My award is that the two workmen are not entitled to any relief.

[No. L-12012/168/73-LR II/D.III A]

K. B. SRIVASTAVA, Presiding Officer

S.O. 323.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Damoda Coal Washery of Hindustan Steel Limited, Post Office Dugda, District Giridih and their workmen, which was received by the Central Government on the 28th December, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 35 of 1974

In the matter of an industrial dispute under section 10(1)(d) of the Industrial Disputes Act, 1947.

(Ministry's order No. L-2012/33/74-LR.II. Dated 18-12-1974)

PARTIES :

Employers in relation to the management of Dugda Coal Washery of Hindustan Steel Limited, Post Office Dugda, District Giridih,

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri P. K. Chatterjee, Advocate.

STATE : Bihar. **INDUSTRY :** Coal Washery. Dhanbad, 22nd December, 1976.

AWARD

The Government of India, Ministry of Labour, New Delhi sent the above reference to this Tribunal for adjudication of the industrial dispute involved with the following schedule of issues :

SCHEDULE

"Whether the action of the management of Dugda Coal Washery of Messrs Hindustan Steel Limited, Post Office Dugda, District Giridih, in terminating the services of Shri Jagdish Prasad, Assistant, from the 15th December, 1973 (after-noon) is bonafide and justified? If not, to what relief is the workman entitled?"

The case of the employers in short is that the concerned workman Shri Jagdish Prasad was appointed as an Assistant in the Central Coal Washery Organisation of Hindustan Steel Limited by the Superintendent of Central Coal Washeries Organisation by a letter of appointment dated 18th May, 1968. He was posted as an Assistant in the Dugda Coal Washery under the Central Coal Washeries Organisation of Hindustan Steel Limited. One of the terms of appointment viz. clause 5(e) was that after confirmation on successful completion of the period of probation his services can be terminated by three months notice in writing by either side without assigning any reason, the company always retaining the right of giving him pay in lieu of notice. By a letter dated 15th December, 1973

issued by the Washery Manager, Dugda Coal Washery, the services of the concerned workman were terminated from the afternoon of the same date viz. 15th December, 1973 by giving him three months pay in lieu of three months notice as per the above term of service. No reason was assigned by the company in the letter of termination of service of the concerned workman. The case of the company is that it is a case of termination simpliciter in exercise of the power as in clause 5(e) of the letter of appointment. The reason behind as given out by the company in their written statement is that the concerned workman from the very beginning of his service committed various acts of misconduct as a result of which the company lost faith and confidence in the concerned workman and the company effected discharge simpliciter taken into consideration the totality of the circumstances. Before me the company took up a point of law viz. that there is no industrial dispute in existence according to law as the union at the relevant time had no authority or locus-standi to raise any industrial dispute for the concerned workman.

The case of the workmen in short is that some of the officers of the company were displeased with the concerned workman for his trade union activities and the concerned workman was being harassed in various ways on some plea or other. Ultimately the employers issued a charge-sheet against the concerned workman dated 31-3-1973 alleging acts of gross misconduct and the concerned workman replied to the same denying the charges. Enquiry on the charge-sheet was ordered to be held on 17-12-1973. Without holding the enquiry the employers issued a letter dated 15-12-1973 terminating the services of the concerned workman on the afternoon of the same date by giving him three months pay in lieu of notice. It is alleged that the management knowing well that they would not be able to prove the charges terminated his services. This is alleged to be an act of victimisation, unfair labour practice and malafides. On the point of law the case of the workmen is that the concerned workman was a member of the Bihar Colliery Kamgar Union at the relevant time and the workman himself as well as the said union took up the case of the concerned workman with the management demanding reinstatement of the workman with back wages which was ignored by the employers.

The case of the parties with regard to the maintainability of the reference is taken up first. Shri T. P. Choudhury, Advocate representing the employers submits that the present dispute is not an industrial dispute. His argument is the concerned workman was never a member of the Bihar Colliery Kamgar union at the relevant time and the said union had no authority or locus-standi to raise the industrial dispute nor did the said union raise any industrial dispute for the concerned workman. I am referred to a decision of the Calcutta High Court reported in 1975 Lab. & I.C. (Dipak Industries) in which it is held that a dispute raised by a union not competent to raise the same does not constitute an industrial dispute. We are to confine ourselves to the pleadings of the parties in their written statement and rejoinders. The law of pleadings applies in industrial adjudication proceedings as in Civil Law proceedings which enjoins upon the parties to confine their cases within the four walls of their respective pleadings and no new point can be allowed to be taken by the parties before the tribunal which does not find place in their pleadings. Now in paragraph 25 of their written statement the workmen as represented by the B.C.K. Union plead that the workman as well as the B.C.K. Union, of which the concerned workman is a member took up the case of the workman concerned with the management and demanded the recall of the of the said order of termination of his services and his reinstatement with back wages. Paragraph 41 of the written statement-cum-rejoinder of the employers is their reply to paragraph 25 of their written statement of the workmen. In para 41 of their written statement the employers plead that they have no comments to offer on para 25 of the written statement of the workmen. It will therefore appear that the employers do not either deny the pleading of the workmen in this respect or do not give a specific denial to the same. According to the law of pleading, pleading not denied is pleading admitted. So when the workmen plead in their written statement that the concerned workman was a member of the B.C.K. Union at the relevant time and the workman himself and the B.C.K. Union took up the cause of the concerned workman demanding recall of the order of termination and when the above allegation has not been denied by the employers in their written statement, it can very well be said that the employers have accepted or admitted the case of the workmen that the concerned

workman was a member of the B.C.K. Union at the relevant time and that union sponsored the case of the concerned workman. In para 25 of their written statement-cum-rejoinder the employers state that the concerned workman was a member of the K.I.M.P. (H.M.S.) union but because of his activities particularly sabotaging he was expelled from that union. Of course it has not been proved that the concerned workman Jagdish Prasad was expelled from K.I.M.P. union for acts of sabotage. Admittedly as the employers maintain, the concerned workman was previously a member of K.I.M.P. union. When the concerned workman left that union it will not be unusual to think that he would become a member of another union functioning in the establishment. It appears that the management appeared before the Assistant Labour Commissioner (C) in connection with conciliation proceeding and it appears that the employers never disputed before the A.L.C.(C) Hazaribagh the incompetence of the said union to represent the concerned workman. In short the employers never took any objection any time that the concerned workman was never a member of B.C.K. Union or the B.C.K. Union never raised any industrial dispute with the management. The facts of the case in Dipak Industries 1975 Lab. I.C. 1153 are different from the present case because in that case a specific point was taken in the pleadings by the management that the union concerned there was not authorised and competent to raise any industrial dispute. This particular plea has not been taken by the management in their pleadings before me. The case of the employers in paragraph 37 of their written statement-cum-rejoinder is that the B.C.K. Union has no authority or locus-standi to represent the concerned workman. The plea about lack of authority to represent the workman is not the same as the lack of competence of the union to raise any industrial dispute. Representation of parties is provided in para 36 of the Industrial Disputes Act. It provides that the workman who is a party to a dispute is entitled to be represented in any proceeding under this Act by an officer of a registered union of which he is a member. I have already discussed about the membership of the concerned workman in the B.C.K. Union at the relevant time which has been proved by the pleadings of the parties and also by the evidence of the concerned workman who was examined as WW 1 before me. So the concerned workman is entitled to be represented by B.C.K. Union. The learned Advocate for the workmen Shri P. K. Chatterjee refers to a copy of letter by the Secretary of the B.C.K. Union to the Assistant Labour Commissioner (C), Hazaribagh, copy to Washery Manager, Dugda Coal Washery. It is said that in the 2nd paragraph of the above letter, Ext. W 4 there is a reference to the representation made by Shri A. K. Roy the President of the B.C.K. Union to the company in regard to the unlawful termination of services of the concerned workman. Submissions or no submission, Ext. W 4 indicates that Shri A. K. Roy President of the union pleaded for amicable settlement of the matter with the General Manager. Of course the letter of Shri A. K. Roy is not before us. The employers also appear to have accepted the concerned workman as a member of the B.C.K. Union, Dugda because the Personnel Officer of the Coal Washery addressed a letter dated 11-2-1975 to the concerned workman under the care of Secretary, Bihar Colliery Kamgar Union, Dugda. Ext. W. 91 is a letter from the Secretary, B.C.K. Union to the Deputy Superintendent, Dugda Coal Washery in which the case of the termination of service of Shri Jagdish Prasad was again taken up with the management. It is true that the workmen have not brought more evidence to show that the concerned workman was a member of the B.C.K. Union at the relevant time, but as the employers never challenged this fact in their written statement-cum-rejoinder it is not expected of the union to bring more evidence on a point which has not been challenged in the written statement. The learned Advocate for the workmen refers to a decision of the Orissa High Court reported in 1965 I L.J. Vol. II 376 and the facts of that case are more amicable for our purpose, I need not dwell more on this point and from the facts and circumstances and materials on record I am inclined to hold that an industrial dispute was validly raised at the relevant time by the B.C.K. Union of which the concerned workman was a member. There exists a valid industrial dispute between the parties and so the Reference is maintainable.

Before entering into the merit of the case I feel it necessary to resolve a controversy. The controversy is if the concerned workman is governed by the Discipline & Appeal Rules or by the Certified Standing Orders of the company. Accord-

ing to the management he is a staff and governed by the Discipline and Appeal Rules. The workmen have admitted the position that the concerned workman is governed by the Discipline and Appeal Rules inasmuch as in paragraph 6(f) of their rejoinder the workmen plead—"The charge-sheet dated 22-9-69 was not followed up by an enquiry as is provided and required by the Discipline and Appeal Rules". The concerned workman also appears to have admitted the position in another way. The management issued to him charge-sheets at different times for violation of particular rule and/or sub-rule of the Discipline and Appeal Rule, e.g. Exts. M. 17, M. 14, M. 19, M. 22. The replies of the concerned workman to these charge-sheets are Exts. W. 78, W. 59, W. 64 and W. 26. Ext. M. 22 is a cyclostyled form of charge sheet in which "misconduct in accordance with Standing Orders" have been mentioned. But in the body of these charge sheets violation of particular rule or sub-rule of Discipline and Appeal Rules have been mentioned. It is quite patent that this anomaly is due to the fact that the charge-sheet was issued in a cyclostyled form. This position will be further clear if we look to the other charge-sheets which were not issued in cyclostyled form. In the reply to the charge-sheets the concerned workman never protested that he was not governed by the Discipline and Appeal Rules under which the charge-sheets were issued. On the other hand he replied in accordance with the charge-sheets. This is another way of indirect admission. The learned Advocate for the management has referred me to other tests. He submits that under the Standing Orders the duty hours are 8 hours at a stretch whereas the concerned workman admits that his duty hours were 6-1/2 hours per day as he was attached to office. Shri Prasad admits that he was getting leave in accordance with service rules i.e. one day's leave for every 11 days as opposed to standing orders where entitlement is one day's leave for every 22 days working. Further different charge-sheets issued to him would show that he was allowed time to submit reply to the charge-sheet as per time stipulated in the service rules and not in the Standing Orders. The learned Advocate for the workmen submits that this matter cannot be determined by what one party or the other says but it is to be determined according to facts and law. He refers to the evidence of MW 1 Shri J. S. Rao, Senior Assistant of Hindustan Steel Limited who says—Dugda Coal Washery is a factory and Shri Prasad is an employee of the said washery. Payment of Wages Act applies to Dugda Coal Washery. It is further submitted that under the Factories Act every factory must have their certified standing orders. He further draws my attention to the following provision of Standing Orders :

"SCOPE OF APPLICATIONS.—These orders will come into force from a date determined in accordance with the provisions of Section 7 of the Industrial Employment (Standing Orders) Act, 1946 and will apply to all employees/workmen employed at the Washery viz. Dugda Coal Washery, Bihar of the Hindustan Steel Limited."

I think that there is some difference between what is called Dugda Coal Washery and what is called the office of the Dugda Coal Washery. It is on evidence that the office of the Dugda Coal Washery is not situated within the washery but outside its limits. In the office there are Production Engineer, Transportation Officer, Accounts Officer, office superintendent, assistants, etc. It further appears that Shri Prasad was working as assistant in such office where the above officers are working. None of the officers or the assistants are working in the factory itself where manufacturing process is going on. Admittedly Shri Prasad was appointed by the Central Coal Washeries Organisation of the Hindustan Steel Ltd. and he was put to work in the office of the Dugda Coal Washery. Shri Prasad admits that his job is transferable from place to place, i.e. from the office of one washery to another and also to Dhanbad and Calcutta offices. He also appears to admit that some persons have already been transferred to Dhanbad/Calcutta offices and vice versa. Central Coal Washery Organisation cannot be called a factory so that people recruited by them could be all workmen of factory. When it is said that the concerned workman is working in Dugda Coal Washery it comes to this he is working not in the Coal Washery itself but in the office which looks after or controls the Dugda washery. In my opinion what the Standing Orders stipulate is that this apply to all employees or workmen who are employed in Dugda Coal Washery i.e. in the washery itself which cannot be taken to mean in the offices of the Coal Washery.

The company has got a separate Discipline and Appeal Rules (Ext. M. 12) separate from the Standing Orders. Whom do these rules apply to. The Discipline and Appeal Rules stipulate that they shall apply to all employees except those in casual employment or paid from contingencies, those who are governed by the standing orders, etc. and as a matter of fact the company appears to have all along applied these rules to Shri Prasad without any protest from him. Shri Prasad cannot now turn round and say that he is not governed by the Discipline and Appeal Rules but by Standing Orders. Having taken into consideration all facts and circumstances of the case I am inclined to hold that Shri Prasad is governed by the service rules, i.e. Discipline and Appeal Rules. This point is not very much relevant for the purpose of this case. Discipline and Appeal Rules also provide what are acts of misconducts and they also provide for issue of charge sheets and enquiry when an employee is charged with acts of misconduct. It is not also the argument of Shri Choudhury that as the Discipline and Appeal Rules have no force of statute, they can dispense with the procedure in case of disciplinary action taken under these rules. I would discuss in the relevant portion of my award that industrial jurisprudence has secured a very valuable right to industrial workers which is that the days of hire and fire have gone and where it is not a case of discharge simpliciter proper, an employee cannot be discharged for misconduct without subjecting him to disciplinary proceedings action in accordance with the principles of natural justice.

The learned Advocate appearing for the workmen raises a point which may be called a point of law. According to him the termination of service of the concerned workman is a retrenchment as defined in Section 2(oo) of the Industrial Disputes Act and as the management has not complied with the statutory requirements under section 25F(b) of the I.D. Act, the order of termination is invalid and illegal. In support of his contention the learned Advocate refers to a recent decision of the Supreme Court as reported in 1976 Lab. I.C. 769 (State Bank of India versus Shri N. Sundaramani). The learned Advocate appearing for the employers submits that the above decision of the Supreme Court in explaining what is retrenchment must be limited to the facts of that case alone and it cannot be extended for a theory that every termination of services is retrenchment. In this connection he refers to the decision of the Supreme Court as reported in 1957 1 LLJ 243 (Barsi Light Railway Co. vs Jugalkar) and also to a decision of the Supreme Court as reported in 1957 1 LLJ 235 (Piprise Sugar Mills Ltd. It appears that the decision in the Barsi Light Railway Co. case is that retrenchment as defined in S. 2(oo) and as used in S. 25F has no wider meaning than the ordinary accepted connotation of the word, which means the discharge of the surplus labour or staff by the employers for any reason whatsoever otherwise than as punishment inflicted by way of disciplinary action. The decision in Piprise Sugar Mills Limited appears to be that the expression "any reason whatsoever" as appearing in Section 2(oo) of the I.D. Act relates only to the termination of surplus staff or establishment. It is apparent from the decision as cited by the learned Advocate for the employers that termination of service of a workman amounts to retrenchment within the meaning of S. 2(oo) of the I.D. Act when it relates only to the termination of surplus staff in a running concern. If I am to confine myself within the four walls of the above decisions then the termination of service in the present case being not based on 'surplusage' cannot amount to retrenchment of the concerned workman in this case. I may however go into the other decision on this point. It appears that the case between the State Bank of India and Shri N. Sundaramani was heard by the Madras High Court on a Writ petition (1973-II-LLJ 551 Madras). In that decision the Madras High Court observes that the respondent admits in the counter that the petitioner was employed temporarily either to meet the additional work or to do the work of a permanent incumbent who was on leave or on deputation to some other branch. It was further observed that when the permanent cashier returned the petitioner was found to be surplus and therefore he was discharged, so it would amount retrenchment within the meaning of S. 25F read with S. 2(oo) of the I.D. Act. The above decision has the effect of supporting the contention as advanced by the learned Advocate for the employers. It appears that the State Bank case referred to above went to the Supreme Court in appeal and the decision of the Supreme Court is reported in 1976-I-L.L.C. 769. The Supreme Court appears to have given a clear cut decision

on the point as to what is retrenchment within the meaning of S. 2(oo) of the I.D. Act. The Supreme Court observes "a break down of S. 2(oo) unmistakably expands the semantics of retrenchment 'Termination for any reason whatsoever' are the keywords. Whatever the reason, every termination spells retrenchment. So the sole question is, has the employees services been terminated". The Supreme Court further observes "termination embraces not merely the actual termination by the employers but the fact of termination howsoever produced". . . . "without speculating on possibilities we may agree that retrenchment is no longer terra incognita but area covered by an expansive definition. It means to end, conclude, cease. It appears that the Madras High Court in the State Bank of India case took into consideration 'surplusage' to find it a case of retrenchment. But the Supreme Court in appeal has not confined retrenchment on the theory surplusage alone. The Supreme Court has found that the words 'for any reason what soever appearing in S. 2 (00) of the I.D. Act is very wide and almost admitting to no exception. The Supreme Court finds whatever may be the reason every termination spells retrenchment and the sole question to be seen is if the employees services have been terminated. In view of the above it cannot be accepted as argued by the learned Advocate for the employers that the above decision of the Supreme Court must be limited to the facts of the case and it cannot be extended for a theory that every termination is retrenchment. The question remains if in view of the earlier decision of the Supreme Court as to what is retrenchment, the latest decision of the Supreme Court on the same point should not be accepted. In my opinion whatever may be the earlier decisions of the Supreme Court on the point there is no reason why the latest decision of the Supreme Court should not be followed when in my opinion the latest decision is a development which we cannot lose sight of. The fact remains that in the case before me the concerned workman was a permanent Assistant in the establishment of about six years standing. The fact also remains that the services of the concerned workman have been terminated by the management. The reason as given out by the management before me is the loss of confidence in the concerned workman for a series of misconduct on his part which ultimately goaded the management to terminate his services by exercising the contractual power to terminate his services without assigning any reason. Admittedly the case of the employers is that the services of the concerned workman were terminated by the management not as a measure of punishment in any disciplinary proceeding against him but by exercise of the contractual power vested in the management without casting any stigma on the conduct of the workman. As in the judgment of the Supreme Court the reason for termination is very wide and admits of no exception, the conclusion cannot be avoided that the termination of service of the concerned workman for the reason as given out by the management cannot but be a case of retrenchment within the meaning of S. 2(oo) of the I. D. Act Admittedly the provision of S. 25F(b) of the I. D. Act providing for payment of retrenchment compensation has not been complied with by the management. It is a settled law that when any workman is retrenched without prior payment of compensation according to the statute as stated above, such retrenchment or termination becomes illegal and void. In view of the fact and circumstances stated above, the termination of service of the concerned workman, it being a case of retrenchment, it is void and illegal.

Now I come to the most important issue in this Reference viz. the bonafides and justification in the action of the management in terminating the services of Shri Jagdish Prasad, Assistant from the the afternoon of 15th December, 1973. In Clause 5(e) in the letter of appointment of the concerned workman (Ext.M1) the stipulation is that after successful completion of the period of probation his services can be terminated by three months' notice in writing by either parties without assigning any reason, the company always retaining the right of giving him pay in lieu of notice. The company on the strength of this contractual power terminated the services of the concerned workman from the afternoon of 15th December, 1973 by giving him three months' pay in lieu of notice (Ext. M26). The case of the company in their written statement as well as before me is that the concerned workman from the very beginning of his service committed various acts of misconduct one after another. This reached the limit of tolerance of the employers, and as a matter of fact the employers lost faith and confidence in the concerned workman. It was due to loss of faith in him that

the employers invoked their contractual power by terminating the services of the workman without assigning any reason and without any stigma on the concerned workman. In other words the case of the employers is that it is a termination simpliciter, or what may be called automatic termination. I shall first deal with the matter in the light of the above case of the employers. If the case is made out well and good. If not, I shall deal with the case in light of law touching upon the facts and circumstances of the case. It is the common ground of both the employers and the workmen that in case of loss of confidence and faith in the employee properly made out, because of his wrongful acts of omission and commission, the employers will be justified to terminate the services of the employee under their contractual power which will be a case of termination simpliciter. In this connection I would refer to the law on the point as enunciated by the Supreme Court in A.I.R. 1975-S.C.661 (L. Michael & another-vs-Johnson Pumps Ltd)—“Tribunal has power to X-Ray the order and discover its true nature—if the object and effect of the attendant circumstances and ulterior purpose be to dismiss the employee because he is an evil to be eliminated. An employer who believes or suspects that his employee particularly one holding a position of confidence has betrayed that confidence, can, if the conditions of terms of employment permit, terminate his employment and discharge him without any stigma. But such belief or suspicion should not be a mere whim or fancy. It should be bonafide and reasonable. It should be on tangible basis and the power has to be exercised objectively in good faith. If the exercise of such power is not genuine on the ground of being colourable or mala fide or on act of intimidation, unfair labour practice, the employer must disclose to the court the grounds of the impugned action so that the same may be tested judiciously. When such orders are based on no evidence or unreasonable, the court may interfere”. The employers have tried to lay bare some facts and circumstances before me which led them to the formation of subjective feeling in the matter of loss of confidence in the concerned workman. The workmen have challenged the exercise of the contractual power by the employers on the ground of it being colourable, mala fide and an act of victimisation and unfair labour practice. For the sake of proper understanding and convenience I may divide the alleged acts of misconduct on the part of the concerned workman in two parts. In the first part I shall deal with the alleged acts of misconduct which were taken up by the employers and for which either minor punishment were awarded to the concerned workman or he was warned. In the second part I shall deal with the immediate cause for which no disciplinary action was taken but which came within the ambit of what is called subjective feeling leading the management to lose confidence in the concerned workman and terminate his services. The learned Advocate appearing for the employers referred me to various papers which have been exhibited in this case. I will deal with some papers in this connection. From Ext. M53 it appears that the concerned workman refused to type letters of Dugda I on the ground that his appointment is for Dugda II. From Ext. M3 it appears that he was asked to give an account of his work done every day. Then from Ext. M4 it appears that the concerned workman left office without permission and he was asked to explain why he should not be marked absent for half day. The concerned workman gave his explanation and ultimately the employers took no action against him. Ext. M6 shows that the employers complained about his disposal of work and asked him to improve his disposal. From Ext. M7 it appears that there was some delay on the part of the concerned workman in sending some wage-sheets to the account department. He was charge-sheeted and the concerned workman gave his reply Ext. M8, by which he regretted the incident. Then it appears from Ext. M12 that the concerned workman was charged for shouting in the office and he submitted his explanation (Ext. W.6). On receipt of his explanation the concerned workman was censured. The concerned workman challenged this order but this was not entertained by the management. Then it appears from Ext. M14 that the concerned workman was issued a charge-sheet as he violated the orders of the management to take charge of duty from one Shri Pandey who went on leave. He submitted his explanation and on receipt of his explanation the concerned workman was censured. From Ext. M18 it appears that he was again censured. I need not go in detail about the various allegations levelled against the concerned workman by the management in the long past as they are voluminous. I have however gone through

the papers which are on record either as exhibits on the side of the management or exhibits on the side of the workmen. Many of the allegations are very much minor in nature for which the employers took no action against the concerned workman. The papers further reveal that on a number of occasions the employers issued charge-sheets to the concerned workman who submitted replies to the management. The employers after receipt of the reply to the charge-sheets and, without holding any enquiry, inflicted minor penalties on the concerned workman i.e. he was censured. What do the above facts disclose. Even if I take the above facts in their face value it appears that they are all acts of minor misconduct for which minor penalties were awarded to the concerned workman and that too without holding any enquiry. In other words these minor punishments namely censure which were awarded to the concerned workman were unilateral acts of the management and in those cases the concerned workman was not afforded any opportunity to defend his case. In other words minor penalties were awarded to the concerned workman without the minor acts of misconduct being proved in accordance with the principle of natural justice. The management appears to have taken into consideration the above facts in the formation of their subjective feeling resulting in the loss of confidence in the concerned workman. We must not lose sight of the facts that the management took the concerned workman to task by awarding minor penalties for the alleged acts of minor misconduct the nature of which I have already discussed, viz. refusing to type letters, leaving office without permission, shouting in the office, doing some private work sitting in his seat and so on and so forth. Not that the management simply stood by over the various acts of minor misconduct as alleged by them without taking any disciplinary action. Not that the management was a silent spectator to the alleged acts of minor misconduct in the formation of a subjective feeling about loss of confidence. In my opinion it is no reason and justice if the management award minor penalty for each act of alleged minor misconduct and take into consideration those facts over again to terminate the services of the concerned workman on the ground of loss of confidence. It is not a case of awarding heavier penalty on the concerned workman for his previous conviction as in criminal law. Awarding small punishment on the concerned workman on his acts of minor misconduct and then again banking upon the same in terminating services of the workman on the ground of loss of confidence on him amounts to awarding double punishment to a person for the same offence which is not at all desirable either here or anywhere. Either you do not take any action against the concerned workman for his acts of misconduct but award him the ultimate punishment of termination of service on ground of loss of confidence, or you take action for individual acts of misconduct without banking upon the same over again to terminate his services on the ground of loss of confidence. I feel like referring to a relevant portion of a decision in the case of L. Michael and another-vs-Johnson Pumps Limited which is as follows: “In a reasonable case of a confidential or responsible post being misused or a sensitive or strategic position being abused it may be high risk to keep the employee, once suspicion has started and disciplinary enquiry cannot be enforced in the matter. There a termination simpliciter may be bonafide not colourable and loss of confidence may be evidentiary of good faith of the employers”. The decision speaks about recourse to the termination simpliciter for loss of confidence where a disciplinary action cannot be forced. This part of the case which I am dealing does not fit in with the relevant portion of the decision I have discussed above. Not that disciplinary action could not be forced on the concerned workman for his misconduct. As a matter of fact for the alleged acts of minor misconduct charge-sheets were issued to the concerned workman, his explanation were obtained and then minor penalties were awarded as a measure of punishment. In view of the peculiar facts and circumstances about which I have discussed above and in view of the above decision the alleged acts of minor misconduct for which minor penalties were awarded as disciplinary measure cannot constitute proper grounds for discharge simpliciter on the ground of loss of confidence. Thus goes the first part of the management's case giving place to the second part viz. the immediate ground which made the management to lose confidence in the workman so as to use the last weapon in their armoury viz. contractual power of terminating the services of the concerned workman on the ground of loss of confidence. The concerned workman was issued a charge-sheet dated 30/31, 3.73 (Ext. M22). The charges levelled

are that he was found inciting workers to join an illegal strike from 24th March, 1973 to 29th March, 1973 and (2) he in collaboration with villagers were found constructing a bundh in the river to prevent water coming to the intake well for the purposes of the washery. It appears that the matter was also reported to the police by the management. These are no doubt serious charges and the concerned workman replied to the chargesheet denying the charges. Then it appears that an enquiry was ordered on the charges but pending the said enquiry the management terminated the services of the workman invoking their contractual power. The explanation as to why the management dropped the enquiry midway and took recourse to the contractual powers appears to be that the concerned workman was trying to scuttle the enquiry as he took leave on the date fixed for the enquiry. It may be that the concerned workman took leave on one or two days on which the enquiry was fixed but there is nothing to show that it was the intention of the concerned workman to scuttle the enquiry some way or other. Even if it is assumed for argument's sake that the concerned workman was trying to delay the enquiry it was open to the management on sufficient ground to hold the enquiry *ex parte* in the absence of the concerned workman and get the charges proved against him. The management did not go that way. That apart, the management did not try to prove the above misconduct by the concerned workman by adducing evidence before this Tribunal when I was not hearing on the preliminary point but was hearing the issue as framed by the Ministry of Labour in its entirety. The management examined two witnesses both of whom had nothing to say in proof of the charges of misconduct as per Ext. M22. On the other hand the concerned workman, being examined before me have denied the charges. The strange part of the case remains that after the incidence of gross misconduct as alleged in the chargesheet Ext. M22 the concerned workman was allowed to work for 8 months thereafter. Not only that, in spite of all the allegations the concerned workman was given recommendations for his efficiency by his superior officers in 1973. The above two positions disclose two contradictory facts. If the conduct of the workman was reapprehensible and bad beyond measure, how he could have been given recommendation for his efficiency. In respect of the gross misconduct the management has disclosed only the chargesheets which were replied by the concerned workman and nothing more. Without more, this cannot be said to be a disclosure of facts which are to be judicially tested as per decision in A.I.R. 1975—S.C.661. The disclosure of the charge-sheet and reply thereto when judicially tested proves nothing beyond the facts that certain charges of gross misconduct were levelled against the concerned workman and the denial of the same. Loss of confidence is a subjective feeling or individual reaction to an objective set of facts and motivation. In my opinion the fact disclosed cannot be said to be objective in the sense of formulation of a subjective feeling. 'Loss of confidence' is not a byword it must be the consequence of the loss confidence doctrine legally accepted. In what circumstances and against whom these doctrine of loss of confidence can be applied is as we see from the decision just quoted above. It can be applied in the case of a confidential or responsible post being misused by holder thereof or a sensitive or strategic position being abused by a person in that position so that it may be high risk for the employers to keep such an employee in service. Did the concerned workman occupy such a position or post. As evidence has it, the concerned workman was an Assistant in the office and his job is of a clerical nature like typing filing etc. It is not in the evidence that he was entrusted with some work of confidential nature. It is not also disclosed that he was holding a responsible post or a sensitive or strategic position. The doctrine of the loss of confidence cannot reasonably be applied in each and every case when it suits the convenience of the employers, not to speak of in the case of an Assistant who is doing clerical job of routine nature. In short there was no 'confidence' which could be 'lost'. He cannot be forcibly put into the position of confidence merely to apply the doctrine of the loss of confidence against him. It may be that the concerned workman was not a faithful as there were some others. But that is not enough to invoke the doctrine. Accordingly in none of the two parts of the case which I have divided can the doctrine of loss of confidence be applied for reasons as discussed above. 'Loss of confidence' theory having gone the case boils down to this that the management terminated the services of the concerned workman by exercise of their contractual powers. The learned Advocate for the employers concedes that the industrial jurisprudence

has put some restrictions on the right of the management to terminate the services of the workman by exercising the contractual power. The management has to disclose all the material facts for which the court should judge whether the action of the management is bona fide or whether it is colourable exercise of the power or they are mala fides. The leading case laws on the point are Buckingham & Karnatak Co. Ltd.-vs. their workmen (1951-II-LLJ 314), Chartered Bank vs. Chartered Bank Employees Union (1960-II-LLJ 322), U. B. Dutt & Co.-vs-workmen (1962-I-LLJ 374), Murgaoon Mills Ltd.-vs-Industrial Tribunal, Madras, (1965-I-LLJ 422 S.C.). I need not multiply cases. The ratio decided in those cases is that in exercising contractual power the requirement of bona fide is essential and if the termination of service is colourable exercise of that power the Industrial Tribunal would have the jurisdiction to set aside such order. In such cases the Tribunal is justified to enquire into the reasons which led to such termination and also if the reasons have been properly made out. In case of the alleged minor misconduct in the present case the management took disciplinary action by awarding censure to the concerned workman and they cannot be re-agitated again. In case of the charges of major misconduct only a charge sheet was issued and the reply of the concerned workman was obtained. An enquiry was ordered but without concluding the enquiry the management terminated the services of the concerned workman under contractual power. In this connection I should refer to the U. B. Dutt case (1962-I-LLJ 374). The case is some what similar to the present reference. There also the management suddenly dropped the departmental proceedings which were intended to be held and decided to discharge the employee under contractual power. It was held in the U. B. Dutt case if the enquiry was not held by the employers and action was taken under contractual power, the employer could defend his action under contractual power by leading evidence before the Tribunal to show that there was in fact misconduct and therefore their action under contractual power was bona fide and not colourable exercise of the power under the rules. I may again say that the management did not lead evidence before the Tribunal that there was in fact misconduct and their action under the contractual power was bona fide. In U. B. Dutt's case it is also held that if the employer suddenly drop the departmental proceedings which were intended to be held it was clearly a colourable exercise of the power under the contract of service. The sequence of events in the instant case clearly show that it was not a case of termination simpliciter but a case that the workman was punished for misconduct by termination of services. It is by now well settled that when the termination of services is punitive in character it cannot be a case of termination simpliciter. This will be borne out by the fact that immediately preceding the termination of the concerned workman's services, a charge of gross misconduct was hanging on his head and from the stand taken by the management before me by argument or with papers it is clear that the management at this stage punished the concerned workman and this termination goes hand in gloves with the misconduct of the concerned workman. I have no doubt in my mind that the order of termination was punitive in character and it should be taken as a punishment for the alleged misconduct. The plea of termination of simpliciter is of no avail as termination in effect has been brought about on the ground of misconduct. A question may arise that if the standing orders of the company do not apply to the concerned workman. Can an enquiry into the misconduct of the concerned workman be forced upon the employers. In this connection I may refer to S.C.L.J Vol. V 2968 (management of Utkal Machinery-vs-Shanti Patnaik) which is a Supreme Court judgment. In that case there was no standing order. The Supreme Court held that in the absence of any standing order the unsatisfactory work of an employee may be treated as misconduct and when the workman was discharge according to the management for such unsatisfactory work it should be taken that her discharge was tantamount to punishment for an alleged misconduct. The management was therefore held not justified in discharging the workman without holding a proper enquiry. In that case also the management adduced no evidence for the misconduct of the workman. So even if the standing orders of the company do not apply to the concerned workman it was incumbent upon the employers to hold a proper enquiry when his termination of service was a punishment for a misconduct. But the case before me is some what better even if it is assumed that the standing orders do not apply to the

concerned workman but the Discipline and Appeal Rule applies to him. The above rules specify what are the acts misconduct and sabotage. Is the charge levelled against the concerned workman one such misconduct as specified in the Discipline and Appeal Rules? It is surely an act of misconduct. Then Discipline and Appeal Rules provide that when an employee is charged with misconduct which may lead to a position of a major penalty, the disciplinary authority can frame definite charges, and an enquiry shall be held by the disciplinary authority in which all reasonable opportunity shall be afforded to the employees for defending his case. The management has not followed the Discipline and Appeal Rules if it applies to the concerned workman. Standing Orders or no Standing Orders, an enquiry must be held before discharging an employee on the ground of gross misconduct, otherwise security of tenure secured by industrial jurisprudence and authenticated by a catena of cases of the Supreme Court can be subverted by a neo formula. The days of hire and fire have gone and services of an employee cannot be terminated without subjecting him to disciplinary proceedings unless it is a case of discharge simpliciter, which it is not as I have discussed above. In any view of the matter the management has failed to prove before this Tribunal the misconduct of the concerned workman by suitable evidence for which punitive action was taken. The facts and circumstances disclosed by them also do not hit the mark. After giving my anxious consideration to all the facts and circumstances of the case and materials on record I do not find that the action of the management in terminating the services of the concerned workman was bona fide and justified. On the other hand it can well be said that it is colourable exercise of the contractual power vested in the management to terminate the services of the concerned workman without assigning any reason. I may again say that the whole issue regarding the justification and bona fide of the action of the management was for adjudication before me and the parties adduced their evidence. The management failed to prove the misconduct of the concerned workman by adducing evidence. Therefore there can arise no question of affording another opportunity to the management to prove the misconduct of the concerned workman by adducing further evidence.

Another point urged before me by the learned Advocate representing the workman is that the concerned workman having been appointed by the Superintendent of the Central Coal Washeries Organisation, Hindustan Steel Limited, the impugned order of dismissal issued by the washery manager who was an officer inferior in rank and status to the said Superintendent was ultra vires, unauthorised and illegal, and accordingly the workman concerned should be directed to be reinstated with full back wages. Admittedly the concerned workman was appointed by the Superintendent of the Central Coal Washeries Organisation of Hindustan Steel Limited on 7-6-68 and the letter of dismissal was issued by the washery manager on 15th December, 1973. Admittedly the washery manager is an officer inferior in rank and status to the Superintendent of the Central Coal Washery. It is submitted by the learned Advocate for the workmen that according to clause 31(f) of the standing orders no order of removal or dismissal from service shall be made by an authority lower than the appointing authority of the employee concerned. It is also submitted that the standing orders cannot be altered or amended by the management except by having recourse to the process laid down in the Standing Orders Act, and this not having been done, any amendment or change brought about by the standing orders without recourse to the procedure is invalid. Of course if my finding was that the concerned workman is governed by the Certified Standing Orders of the company in that case the order of dismissal of the concerned workman by the washery manager would have been unauthorised and illegal. But I have already held under the relevant issue above that the concerned workman is not governed by the standing orders but by the Discipline and Appeal Rules. The Discipline and Appeal Rules of Hindustan Steel Limited is marked Ext. M62. It appears that when the concerned workman was appointed the Disciplinary authority was (i) Authority empowered to make appointments and (ii) such officer as may be empowered by the appointing authority. According to the management, the above provisions in the Discipline and Appeal Rules have been amended any they have filed those amended office orders which are marked Ext. M44 and M45 (after objection). The learned Advocate representing the workmen raised objection against these documents being admitted in

evidence as they are merely cyclostyled copy without being proved according to law. If the workmen dispensed with the formal proof of these documents in that case there would have been no difficulty. But when objection has been raised from the side of the workmen they cannot be admitted in evidence without being legally proved. At the relevant time I did not shut out these documents and marked them as Exts. M44 and M45 (after objection) so that I may be in a position to find if they have been legally proved or not considering submissions of both sides. As they have not been legally proved the only course left open to the court is to expunge these documents from evidence. Now let me incidentally look into the documents. It appears from Ext M45 that in case of Class III posts the appointing authority is washery manager and the disciplinary authority is also washery manager in case of major penalties. This office order is dated 25-8-69. Now according to Rules 22 of the Discipline and Appeal Rules the board may amend, modify or add to these rules from time to time and all such amendments, modifications or additions shall take effect from the date stated therein. The order Ext. M44 or M45 do not appear to have stated therein from what date the amendment as per Ext. M44 and M45 shall take effect. In that view of the matter the order dated 25-8-69 (Ext. M45) or Ext. M44 cannot have any retrospective effect even if it was accepted as a proved piece of document. It is submitted by the learned Advocate for the workmen that an amendment brought about unilaterally by the management in the service rules cannot operate to the detriment of the workman concerned. If the rules were different at the time when he was appointed, in that case he will be governed by the rules existing at the time of his appointment and not by the amended rules. He refers to the decision of the Supreme Court in the case of Western India Match Co.-vs-tnr workmen as reported in (1973 Indian Factory Journal Report—Part VIII at page 245) which appears to have held that any variation in the terms and conditions of service made after the appointment of the concerned workman which is inconsistent with his original terms and conditions of service cannot be made. The decisions of the Supreme Court in the case of Delhi Transport Corporation-vs-B. B. J. Hazley & others as reported in (1973-S. C. L. J. Vol. 10, page 110) has been referred to. It appears therefrom that the protection afforded to an employee that he cannot be dismissed by an authority inferior to his appointing authority will be available to the aggrieved workman even if by subsequent delegation of power an authority inferior in rank to the appointing authority has been given the authority of dismissal. It is therefore an accepted principle in law that a workman cannot be dismissed by an authority which is inferior in rank to his appointing authority. It is also an accepted principle in law that any amendment brought about unilaterally by the management in the service rules subsequent to the appointment of the concerned workman cannot operate to the detriment of the workman concerned. So the fact boils down to this that when the concerned workman was appointed the appointing authority was the Superintendent of the Central Coal Washeries of Hindustan Steel Limited and the disciplinary authority was the authority empowered to make the appointment which means the Superintendent of the Central Coal Washeries, and (ii) such officer as may be empowered by the appointing authority. Exts. M44 and M45 do not indicate that the appointing authority viz. the Superintendent of Central Coal Washeries empowered the washery manager as disciplinary authority. In view of the principles as I have already discussed, in the case of the concerned workman has appointing authority viz. the Superintendent, Central Coal Washeries of Hindustan Steel Limited should be his disciplinary authority also. In view of the above, the dismissal of the workman having been made by an incompetent authority is illegal and void. If that be so, the workman is ordinarily entitled to the relief flowing from an invalid order of dismissal.

No other point relevant for our purpose was canvassed before me. I also do not think that any other point calls for a decision for the purpose of the issue under reference. It is my finding that it is not a case of termination simpliciter. The plea of loss of confidence has not been made out. The services of the concerned workman have been terminated as a punitive measure on grounds of misconduct without holding

enquiry under the service rules or according to the principle of natural justice. So the order of termination of services of the workman are unjustified and not bonafide. Misconduct of the concerned workman has not been proved.

In the result the action of the management of Dugda Coal Washery of Messrs Hindustan Steel Limited, Post office Dugda, District Giridih, in terminating the services of Shri Jagdish Prasad, Assistant from the 15th December, 1973 (after-noon) is not bonafide and justified. The concerned workman is therefore entitled to be reinstated to his original job with continuity of service and back wages from the date of termination of his services till he is reinstated in his job.

This is my award.

K. K. SARKAR, Presiding Officer

[No. L-2012/33/74-LR/II/DIIA]

New Delhi, the 6th January, 1977

S.O. 324.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of South Jharia Colliery (R. N. Bagchi Dobari section) of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 28th December, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 69 of 1975

In the matter of an industrial dispute under S. 10(1)(d) of the Industrial Disputes Act, 1947.

(Ministry's order No. L-20012/21/75-D. III(A) dated 19-6-1975).

PARTIES :

Employers in relation to the management of South Jharia Colliery, (R. N. Bagchi Dobari Section) of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri B. Lal, Advocate.

State : Bihar.

Industry : Coal.

Dhanbad, the 22nd December, 1976

AWARD

The Government of India, Ministry of Labour sent the above reference to this Tribunal for adjudication of the industrial dispute involved in the reference with the following schedule of issues framed :

SCHEDULE

"Whether the action of the management of South Jharia colliery, R. N. Bagchi Dobari Section of Messrs. Bharat Coking Coal Limited, Post Office, Jharia, District Dhanbad, in dismissing Shri Prasad Rajwar.

Loading Supervisor, with effect from 24th September, 1974, is justified ? If not, to what relief is the said workman entitled ?"

This reference was initially fixed for hearing on a preliminary point about the validity of the domestic enquiry which preceded the dismissal of the concerned workmen. Both sides adduced evidence. The learned Advocate Shri B. Lal representing the workmen submits before me that there is no technical violation in the enquiry proceedings. It there-

fore, comes to this that the domestic enquiry was held properly complying with the principles of natural justice. He however submits that the charges of misconduct against the concerned workman were not established in the domestic enquiry and invoking the aid of S. 11A of the Industrial Disputes Act the Tribunal should disagree with the findings of the enquiry officer that the charge of wilful insubordination and disobedience against the concerned workman has been proved and set aside the order of dismissal as passed by the employers. The learned Advocate Shri T. P. Choudhury for the employers submits that the Court cannot invoke the aid of S. 11A at this stage and the employers should be given further chance to adduce evidence. The learned Advocate for the workman refers to the case of the workman of Fire Stone Tyre & Rubber Company vs. the management as reported in 10 S.C.L.J. 159. Before going further I should first decide the position of law arising out of S. 11A of the I.D. Act read with the Firestone Tyre & Rubber company's case. The position is admitted that under S. 11A of the Act the Tribunal can reappraise the evidence as adduced in the domestic enquiry and disagree with the finding of the domestic enquiry and can hold that the charge has not been made out if it so transpires. The Tribunal is also empowered to disagree with the punishment meted out to the charge-sheeted workman. The question that comes for consideration is if the employers should be given a chance to adduce fresh evidence in justification of their action of dismissal if the Tribunal on reappraisal of evidence disagrees with the findings of the domestic enquiry and the punishment meted out to the concerned workman. The learned Advocate of the employers submits that the Supreme Court in the case of Firestone Tyre & Rubber Company has not taken away the right of the employers to adduce fresh evidence in such circumstances. He refers to the Proviso of S. 11A and submits that the words 'on the materials on record' finding place therein do not mean only the evidence adduced by the employers in the domestic enquiry and the proceedings of the domestic enquiry but they also mean additional evidence being led before the Tribunal by the employers in support of their action. I cannot agree with the submissions of the learned Advocate for the employers in regard to the Proviso of S. 11A of the I. D. Act and his submissions with regard to the decision of the Supreme Court as above. The plea that it was only a hearing on the validity of the domestic enquiry and as such there should be another hearing on merit is a plea, in my opinion, of the bygone days, i.e. before the introduction of S. 11A and before the decision of the Supreme Court in the Firestone Tyre & Rubber Company's case, according to which the whole law in this respect has been practically changed. In this connection I should refer to the decision of the Supreme Court in the above case which is relevant for our purpose. I may refer to paragraph 36 of 10 S.C.L.J. 159 at page 182 where the Supreme Court holds that if there has been no enquiry by the employers or if the enquiry held is defective, it is open to the employers even now to adduce evidence for the first time before the Tribunal justifying the order of discharge or dismissal. The words 'even now' as used above are important. They mean that before the introduction of S. 11A of the Act, where there has been no enquiry held by the employer or when the enquiry held is defective the employer had the right to adduce evidence for the first time before the Tribunal in justification of their action. These words further connote that even after the introduction of S. 11A where there has been no enquiry held by the employers or where the enquiry held is defective it is even now open to the employer to adduce evidence before the Tribunal justifying their action. It will therefore appear that one thing is common both before the introduction of S. 11A and after the introduction of S. 11A and that common thing is 'where there has been no enquiry held by the employer or the enquiry held is defective'. If that be so I do not understand where is the scope of the employer to adduce additional evidence in support of their action when and where there has been a proper enquiry. I should therefore think that where a proper domestic enquiry has been held by the employer there can be no scope for them to adduce additional evidence in support of their action. The misconduct was heard on merit before the domestic enquiry and therefore the materials of the parties on merit were produced in the domestic enquiry. In this connection I may again quote the concluding sentence of paragraph 36 in 10 S.C.L.J. 182. The sentence is '..... this right to the management to sustain its order by adducing independent evidence before the Tribunal if no enquiry has been held

or that enquiry held is defective (underlining mine), has been given judicial recognition over a long period of years. Here also the Supreme Court speaks about the right of the management to adduce independent evidence only when no enquiry has been held or the enquiry held is found defective. It is relevant now to refer to paragraph 35 of 10 S.C.L.J 159 at page 181 which is as follows: "we will first consider cases where an employer has held a proper and valid domestic enquiry before passing the order of punishment. Previously the Tribunal had no power to interfere with its findings of misconduct recorded in the domestic enquiry unless one or other infirmities pointed out by this Court in Indian Iron & Steel Co. Limited existed. The conduct of disciplinary proceeding and the punishment to be imposed were all considered to be a managerial function with which the Tribunal had no power to interfere unless the finding was perverse or the punishment was so harsh as to lead to an inference of victimisation or unfair labour practice. The position in our view has now been changed by S. 11A. The words "in the course of the adjudication proceeding, the Tribunal is satisfied that the order of discharge or dismissal was not justified" clearly indicates that the Tribunal is now clothed with the power to reappraise the evidence in the domestic enquiry and satisfy itself whether the said evidence relied on by an employer established the misconduct alleged against the workman." Now, I may pause here for a moment. The Supreme Court says that the Tribunal is now clothed with the power to reappraise the evidence in the domestic enquiry. Reappraisal by the Tribunal can be only reappraisal of the evidence as adduced in the domestic enquiry. How then can be a reappraisal of the evidence which is not yet born, i.e. the independent evidence which is sought for by the learned Advocate appearing for the employers in justification of their action. Then I may continue to quote the decision of the Supreme Court "what was originally a plausible conclusion that could be drawn by an employer from the evidence has now given place to a satisfaction being arrived at by the Tribunal that the finding of the misconduct is correct. The limitation imposed on the power of the Tribunal by the decision in Indian Iron & Steel Co. case can no longer be invoked by the employer. The Tribunal is now at liberty to consider not only whether the findings of the misconduct recorded by an employer is correct, but also differ from the said finding if a proper case is made out. What was once largely in realm of construction of the employer has ceased to be so and now it is the satisfaction of the Tribunal that finally decides the matter." I may now refer to some portion of paragraph 33 of 10 S.C.L.J 159 at page 180 which is as follows: "This will be a convenient stage to consider the contents of S. 11A. To invoke S. 11A it is necessary that an industrial dispute of the type mentioned therein should have been referred to an industrial Tribunal for adjudication. In course of such adjudication the Tribunal has to be satisfied that the order of discharge or dismissal was not justified. If it comes to such a decision the Tribunal has to set aside the order and direct reinstatement of the workman on such terms as it thinks fit. The Tribunal has also power to give any other relief to the workman including the imposition of lesser punishment having due regard to the circumstances. The Proviso casts a duty on the Tribunal to rely on the materials on record and prohibits it from taking any fresh evidence. Even a mere reading of the Section does indicate that a change in the law as laid down by this Court has been affected." A careful reading of the above observations of the Supreme Court I think makes it amply clear that when there has been a valid enquiry held by the employer there can be no question of allowing the employers to adduce independent evidence over again in justification of their action. In my opinion it is also amply clear that the question of allowing the employers to adduce independent evidence comes only in those cases where no enquiry has been held or where the enquiry held is defective.

Now I may come to consider the decision of the Supreme Court in regard to "materials on record" as they find place in the Proviso to S. 11A of the I.D. Act. According to the Supreme Court "materials on record" take in:—

- (1) the evidence taken by the management at the enquiry and the proceedings of the enquiry, or
- (2) the above evidence and in addition any further evidence led before the tribunal, or
- (3) evidence placed before the Tribunal for the first time in support of the action taken by an em-

ployer as well as the evidence adduced by the workmen centre.

In my opinion for a clear understanding of what the Supreme Court has said on materials on record, the matter should not be told from its context. It appears that before the Supreme Court it was urged from the side of the workmen that in view of S. 11A of the I.D. Act and the proviso thereto it is now obligatory on the part of the employers to hold a domestic enquiry and where no such enquiry was held it was not open to the employer to adduce evidence before the Tribunal in justification of their action. It was further urged in the Supreme Court that if no such enquiry has been held the Court can straightway pass orders for reinstatement of the workmen without giving any chance to the employer to adduce additional evidence in support of their action. It appears that the Supreme Court did not agree with this submission. The Supreme Court observes that under S. 11A the right of the employers to adduce evidence before the Tribunal has not been taken away after the introduction of S. 11A. So we may consider what was the right enjoyed by the employer before which has not been taken away by S. 11A. The right of the employer to adduce additional evidence before the Tribunal existed only in those cases where no enquiry was held or the enquiry held was defective. That right has not been taken away can therefore mean the right of the employer to adduce independent evidence where no enquiry was held or the enquiry held was defective. The observation of the Supreme Court in this connection is relevant. While dealing on the aspect of "material on record" the Supreme Court observed that from the Proviso it is not certainly possible to come to the conclusion that when once it is held that an enquiry has not been held or is found to be defective, an order reinstating the workman will have to be made by the Tribunal. This also covers a case where no enquiry has been held or the enquiry held is found to be defective. The decision of the Supreme Court in paragraph 51 is that the Tribunal can interfere with the findings of the domestic enquiry and also with the punishment meted out to the workman on the basis of their findings. Then the observation of the Supreme Court is that when such wide powers have been conferred on the Tribunals, the legislature obviously felt that some restrictions has to be imposed regarding what matter could be taken into account. Such restrictions are found in the proviso. The proviso emphasises that the Tribunal has to satisfy itself one way or the other regarding misconduct, punishment and relief to be granted to the workman only on the basis of materials on record before it. The Tribunal for the purpose referred to above cannot call for further or fresh evidence as an appellate authority may normally do under a statute when considering the correctness or otherwise of an order passed by a subordinate body. The Supreme Court no doubt says that the materials on record take in:—

- (1) the evidence taken by the management at the enquiry and the proceedings of the enquiry, or
- (2) the above evidence and in addition any further evidence led before the tribunal, or
- (3) evidence placed before the Tribunal for the first time in support of the action taken by an employer as well as the evidence adduced by the workmen centre.

I have already discussed about this aspect of the Supreme Court decision with reference to the context. The context is that from the side of the workmen it was submitted before the Supreme Court that where no enquiry held by the employer or the enquiry held was defective, the Tribunal may straightway pass order to reinstate the aggrieved workman without giving any opportunity to the employers to adduce independent evidence in support of their action. The Supreme Court said 'no', where the employers have held the enquiry but the enquiry found defective the employers should be given the chance to adduce evidence in support of their action. In my opinion the decision of the Supreme Court on materials on record as in (1), (2) and (3) above covers all conceivable circumstances that may arise. They cover cases where no enquiry has been held or enquiry held is found to be defective and they also cover cases where a proper and fair enquiry has been held by the employers. In my opinion (1) of the Supreme Court as stated above covers cases where a proper and valid enquiry has

been made. Sub-para (2) of the Supreme Court as above is an alternative to sub-para (1). In my opinion this sub-para (2) covers cases where no domestic enquiry has been held or the domestic enquiry held is defective. Sub-para (3) of the Supreme Court as above also covers cases where there is no enquiry or the enquiry is found to be defective. Taking into consideration all facts and circumstances, only in those cases where no domestic enquiry was held or where the domestic enquiry held is found defective do the employers get a chance to adduce independent evidence in support of their action. In short my finding is that after the introduction of S. 11A of the I.D. Act the Tribunal can reassess the evidence in the domestic enquiry and can disagree with the findings of the domestic enquiry without affording further opportunity to the employer to adduce independent evidence in respect of those cases where proper and valid enquiry has been held. It is only when no proper and valid enquiry has been held can the employers be afforded opportunity to adduce independent evidence in support of their action. In the case under reference before me the learned Advocate from the side of the workmen while conceding the validity of the domestic enquiry made his submissions as to why the findings of the enquiry officer should be interfered with. I shall now confine myself to the assessment of the evidence as adduced in the domestic enquiry and the proceedings thereof. If I find that from the materials on record the charge of misconduct has been made out then it is alright for the employers. If, on the other hand, I find that the charge has not been made out I have to disagree with the findings of the enquiry officer and then the necessary consequences will follow. The allegation in the charge-sheet issued to the concerned workman who was the loading supervisor is that it was reported to Shri M. Banerjee, the manager of the colliery that on 11-6-1974 at about 6.15 P.M. the Sub-area manager accompanied by the manager of the East Bhagatdih colliery and one mining sirdar of Rajapur inspected the loading operation at R. N. Bagchi Dobari Sidings and found that 5 low-side wagons were being loaded with depot cuttings and depot ashes in the presence of the concerned workman. The above act of the concerned workman has been alleged to be a misconduct under Rule 18 (c) "wilful insubordination or disobedience whether alone or in conjunction with another or others of a lawful or reasonable order of a superior" and also "habitual neglect of work" of the standing orders of the colliery. The learned enquiry officer finds that the second charge of "habitual neglect of work" has not been proved but he came to the conclusion that the charge of "wilful insubordination and disobedience" has been proved. The case of the employers appear to be that instead of loading coal 5 low-side wagons were being loaded with depot cuttings and depot ashes in the presence of the concerned workman. It further appears that the wagon loaders were loading those five wagons and the loading supervisor was supervising the operation. The concerned workman examined as WW. 1 says in his evidence that such loading was done on that day with instructions of the manager (Acting Manager). Shri Rameshwar Beldar examined as DW-II before the enquiry officer says that that on the date of incidence Shri Banerjee, Assistant manager ordered him to load the wagons with the depot cuttings. The defence witnesses viz. DW-III, DW-IV, DW-V, DW-VI and DW-VII also stated before the enquiry officer that the wagons were being loaded with depot cuttings on that day as per the instructions of the Assistant Manager, Shri Banerjee. So the persons who were loading the wagons gave out before the enquiry officer that the wagons were loaded with depot cuttings under the instructions of the Assistant manager. Against the positive evidence of the witnesses the Assistant manager was not examined before the enquiry officer to give a denial to the above evidence of the defence witnesses. It is true that the management witnesses examined before the enquiry officer found that depot cuttings were being loaded in the wagons in the presence of the concerned workman. These witnesses are however not in a position to say before the enquiry officer in what circumstances and under whose instructions the wagons were loaded with depot cuttings. It was only the Assistant manager who was competent to give a denial of his alleged instructions, but he has not been examined in the domestic enquiry. The learned Advocate of the employers submits that the concerned workman should have examined the Assistant manager when he made allegations against him. The learned Advocate for the workmen submits that the Assistant manager against whom allegations have been made would never come to support the concerned workman and so there can be no question of the concerned workman

calling the Assistant manager in the domestic enquiry to support him. The concerned workman examined as WW. 1 before me says that the wagons are loaded under the instructions of the manager of the colliery and all documents relating to wagon loading remain with the despatch clerk and these papers indicate what quality of coal would be loaded and where they would be despatched. It is submitted from the side of the workmen that the concerned workman was merely a supervisor for loading and he is not expected to know what is being loaded in the wagon and what has been ordered to be loaded. The management have not shown before the enquiry officer as to what are the actual duties of the loading supervisor i.e. if he is only to supervise loading done by the wagon loaders or he is informed what kind of coal is to be loaded in the wagon by the wagon loaders. In the absence of any such evidence it will be going too far to hold that the loading supervisor was also performing the duty of checking the quality of coal loaded in the wagon instead of simply supervising that the wagons are being loaded by the wagon loaders. In the charge sheet it is stated that committed a misconduct whether alone or in conjunction with others. It does not appear that wagon loaders who are actually loading the wagons were also charge-sheeted and no reason has been assigned for this. In view of the evidence on record as assessed by me I cannot find that the concerned workman as loading supervisor was responsible for loading the wagons with depot cuttings. I therefore disagree with the findings of the enquiry officer that the concerned workman is guilty of misconduct viz. 'wilful insubordination and disobedience'. I should think that there can be no question of insubordination and disobedience in the present set of circumstances. The model standing order or any other standing order have not been filed before me. In my opinion the incidence of insubordination or disobedience has been misapplied in the present set of circumstances. If at all the concerned workman was responsible it would have amounted to other kind of misconduct than the misconduct of insubordination or disobedience. What was the insubordination or what was the disobedience was not unfolded before the enquiry officer by the management. So in another view the concerned workman could not have been found guilty of insubordination and disobedience. Finally I should say that the alleged misconduct has not been proved against the concerned workman and the order of the management dismissing the concerned workman on the findings of the enquiry officer cannot be sustained. The concerned workman is therefore entitled to relief flowing from unlawful dismissal.

In the result, I hold that the action of the management of South Jharia colliery, R. N. Bagchi Dobari Section, of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad, in dismissing Shri Ram Prasad Rajwar, Loading Supervisor, with effect from 24th September, 1974 is not justified. The concerned workman be reinstated in his original job with full back wages and continuity of service.

This is my award.

[No. L-20012/21/75-D IIIA]

K. K. SARKAR, Presiding Officer

New Delhi, the 7th January, 1977

S.O. 325—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Pure Selected Golukdih Colliery, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 3rd January, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 7 of 1975

(Ministry's Order No. L-2012/71/74-LRII/DHIA, dated 24-2-1975).

PARTIES :

Employers in relation to the management of Pure Selected Golukdih Colliery, Post Office Jharia, District Dhanbad.

AND

Their Workmen.

PRESENT :

Mr. Justice K. B. Srivastava (Retd.)—Presiding Officer.

APPEARANCES :

For the Employers.—Shri G. Prasad, Advocate.

For the Workmen.—Shri B. Joshi, Advocate.

Dhanbad, dated, the 27th December, 1976

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act has referred the following dispute for adjudication to this Tribunal :

"Whether the management of Pure Selected Golukdih Colliery, Post Office Jharia, District Dhanbad are justified in stopping Shri Dina Nath Nunia from work with effect from 2nd July, 1973 without telling the workman the reasons thereof ? If not to what relief is the workman entitled ?"

2. On the receipt of the usual notices to file their respective written statements, the Bharat Coking Coal Limited filed its written statement on May 26, 1976. The workman Dina Nath Nunia filed his written statement-cum-rejoinder on June 29, 1976; and the Bharat Coking Coal Limited filed its rejoinder to the written statement of the workman on October 29, 1976.

3. The Bharat Coking Coal Limited alleges that Dina Nath Nunia was a workman employed by the colliery's quarry-contractor. The management of the colliery was taken over by it on January 31, 1973 under the Coal Mines (Taking over of Management) Ordinance, 1973 which was subsequently replaced by the Coal Mines (Taking over of Management) Act, 1973. The contract was terminated when contract system was abolished in April, 1973 and then the workmen of the contractor, including Dina Nath Nunia, were engaged by the colliery on trial in order to determine their suitability for eventual absorption. Dina Nath Nunia was engaged as a stone-cutter in the quarry. The said engagement was in the nature of a probationary employment and did not confer any right on Dina Nath Nunia for permanent employment. After a trial for three months, it was found that Dina Nath Nunia was not fit for employment as a stone-cutter or on any other equivalent post and, therefore, his probationary employment was terminated at the end of June, 1973. No notice of termination giving reasons therefor was given because Dina Nath Nunia had been in probationary employment for a period of 4 months only. It has further been alleged that in terminating his probation, Bharat Coking Coal Limited has not done anything which can amount to unfair labour practice or to malafides. Lastly, it has alleged that Dina Nath Nunia did not make any demand directly upon it and, there was no industrial dispute raised which could be referred to this Tribunal for adjudication.

4. Dina Nath Nunia has pleaded that he was a workman of the colliery on the post of a minor in Seams No. 2 and 3 of the Quarry and that he was never the workman of any contractor. After the taking over of management on January 31, 1973 the Manager transferred him below ground as a stone-cutter and he continued to work on that post till July 2, 1973 when he was stopped from working. He has denied that he was a probationer and alleges that he was a permanent minor and subsequently a permanent stone-cutter. He has then alleged that the Bharat Coking Coal Limited wanted to get rid of several workmen as the colliery was going to be closed and it was actually closed also with effect from August 13, 1973 and several persons were stopped from working but while others were subsequently absorbed on account of approaches, he was not taken back in employment because he

had no one to sponsor his case. He has further pleaded that he had raised an industrial dispute with the Manager of the colliery on several occasions and it was only when no redress was given that he went in conciliation before the Assistant Labour Commissioner (Central).

5. The Bharat Coking Coal Limited, in its rejoinder, has traversed the pleas taken by Dina Nath Nunia and has pleaded that he was appointed afresh as a probationary stone-cutter in April, 1973 and prior to that he was the workman of the contractor in the quarry.

6. The management of all coal mines, with the exception of a few (and the colliery in question is not within the exception) was taken over by the Central Government, or by a Govt. company, as representative of the Central Government, on January 31, 1973 under the Coal Mines (Taking over of Management) Ordinance, 1973. The management of the Pure Selected Golukdih Colliery was taken over on that date by the Bharat Coking Coal Limited.

7. The case of the company is that Dina Nath Nunia was the workman of the quarry-contractor in the colliery whereas the case of Dina Nath Nunia is that he was a permanent pick-minor in the colliery and was not the workman of the contractor. I have to resolve this dispute in the first instance. MW-1 A. K. Sapra, the Colliery Manager, has deposed that two kinds of work were being carried on in the colliery, that is to say, quarry work and incline work. The work of over-burden removal and stone-cutting in the quarry was given on contract to one Ram Nagina Singh. He has further deposed that Dina Nath Nunia was employed by the contractor for work in the quarry and he was not in the employment of the colliery itself. In cross-examination, he conceded only this much that stone-cutting, over-burden removal and coal raising processes were all simultaneously carried out in the quarry, that is to say, as soon as the over-burden had been removed and the ground was made clear for raising, coal would be raised but while coal raising work in the quarry was performed by workmen of the colliery, the stone-cutting and over-burden removal work was done by the workmen of the contractor. He denied that Dina Nath Nunia was an employee of the colliery and asserted that he was an employee of the contractor. Dina Nath Nunia WW-1 has deposed that he was appointed as a minor in the quarry by the colliery itself about January, 1972. He continued to work as a miner in the quarry till about the end of February, 1973 and thereafter he was transferred below ground as a miner and worked as such till July 2, 1973 when he was stopped from working. He denied that he over worked as a stone-cutter in the quarry or as a workman employed for removal of over-burden. I do not find any adequate reason to dis-believe the statement of A. K. Sapra. He is a responsible officer in the colliery. He has no personal bias or malice against Dina Nath Nunia. Ext. M-1 is Register B for the year 1970 to the close of 1972. It is a statutory register which has to be maintained by each coal mine in respect of all workmen, whether working below ground or above ground, whether in open-cast mining or otherwise. Dina Nath Nunia's name is not entered in this Register. He is the son of Ghamandi Nunia, his age is 30 years, and his residence is Daulatpur, P. S. Barh, District Patna. He is not the son of Isri Nunia. He is not a resident of Gulam Nagar Islampur is not the P.S. in respect of his village. He has no knowledge in what month and in what year was he first appointed. One Dina Nath Pandey, magazine incharge, and one Dina Nath Singh, munshi, figures in this Register. The name of Dina Nath Nunia is not mentioned at all in it. Ext. M-2 is the Register B and shows at Serial No. 57 that one Dina Nath Nunia, son of Isri Nunia, age 26 years, resident of Gulam Nagar, P.S. Islampur, District Patna was appointed as a quarry pick-miner on September 27, 1972. Dina Nath Nunia has deposed that this entry relates to him but I am doubtful if it does because the age, father's name, residence and P. S. all differ. These facts go to support A. K. Sapra that Dina Nath Nunia was not in the employment of the colliery. Ext. M-3 is a letter dated July 2, 1973 which was sent by the Manager to the Custodian in respect of the manpower of the colliery. Dina Nath Nunia's name does not figure in this also. Ext. M-4 is the list of manpower of the contractor and it shows that Dina Nath Nunia was the workman of the contractor. In the conclusion, therefore, I am of the view that Dina Nath Nunia was enrolled as workman originally by the contractor and not by the management of the colliery.

8. It is not disputed that subsequently the colliery employed Dina Nath Nunia as its own workman. The management was taken over on January 31, 1973. The coal mine vested in the Central Government and thereafter in the company, which is a Government company, on the appointed day, namely, on May 1, 1973. The employment of Dina Nath Nunia by the management is alleged to have taken place between January 31, 1973 and May 1, 1973. Two questions arise in this connection, namely, the status in which he was employed and the date on which the employment took place. MW-1 A. K. Sapra has deposed that the contract was terminated and the contract system was abolished in April, 1973 and on that event taking place, the management employed Dina Nath as a stone-cutter below ground in the colliery. He has further deposed that the appointment was purely temporary. He admits that no appointment letter was issued and the duration of temporary appointment was also not fixed by him. He has, however, deposed that stone-cutting work was of a temporary nature and was liable to come to an end as soon as the work was over. He is unable to give the exact date on which the contract was terminated or the contract system was abolished but says it was on same date in April, 1973. He is also unable to give the date on which he appointed Dina Nath Nunia as stone-cutter. It is a matter of regret that the company did not file proper documents in proof of these facts. After all, the company is a public undertaking and maintains proper managerial registers. The date of appointment could have been easily ascertained by production of the relevant Register C which shows the days of attendance of a miner below ground. The company could have filed the weekly pay-sheets to determine the date of appointment. Standing Order No. 4 provides that every workman shall be given the Ticket appropriate to his classification at the time of his appointment. The Ticket has also not been produced. In the written statement, there is an admission contained in paragraph 8 that Dina Nath Nunia had been in employment as a probationer for a period of 4 months before his services were terminated. His services were admittedly terminated on July 2, 1973 and, therefore, computing back-words the date of appointment would come to March 2, 1973. Dina Nath Nunia has also deposed that after the taking over of management he worked for one month in the quarry and thereafter he was transferred by the Manager below ground. The take over was on January 31, 1973 and, therefore, the transfer would be at the end of February 1973 or in the first week of March 1973. I am, therefore, of the view that the appointment was given to Dina Nath Nunia on March 2, 1973.

9. The next question is as to the capacity in which he was employed or given fresh appointment after he had ceased to be the workman of the contractor. A. K. Sapra deposed that the appointment was purely temporary and Dina Nath Nunia was a temporary workman. Standing Order No. 3 deals with the classification of workman. Category (iv) is "temporary". Clause (e) of Standing Order No. 3 says that a "temporary" workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period. The period within which it is likely to be finished should also be specified but it may be extended from time to time, if necessary. I am not prepared to accept the statement of A. K. Sapra that Dina Nath Nunia was a temporary workman for three reasons. Firstly, the Ticket has been withheld which would show the nature of employment. Secondly, the definite case taken in the written statement was that he was given an appointment on trial with a view to assess his suitability for eventual absorption. This is contra-indicative of temporary appointment and is, indeed, consistent with the appointment being as a probationer. There is no question of a trial in the case of a temporary workman because by the very nature of his employment, his service will be terminated after the duration of the temporary employment is over or after the extended duration is over. He is referred to as a probationer in other paragraphs also of the written statement. See paras 6, 7 and 8. Thirdly, admittedly 8 other persons were appointed along with Dina Nath Nunia on trial basis but they were eventually absorbed as permanent workmen. No amount of evidence can dislodge the admission contained in the pleadings. I, therefore, overrule the contention that Dina Nath Nunia was employed as a temporary workman.

10. Dina Nath Nunia has asserted that he was a permanent workman from before January 31, 1973. I have, however, stated above that this is wrong and actually he was a

workman of the contractor and his services came to an end when the contract was terminated. I have also mentioned above that he was re-appointed by the management as its own workman on March 2, 1973. It has been seen above that this appointment was as a probationer. Standing Order No. 3(b) defines permanent "workman" and says that a "permanent" workman is one who is appointed for an unlimited period or who has satisfactorily put in three months' continuous service in a permanent post as a probationer. Standing Order No. 3(c) defines a "probationer" and says that a "probationer" is one who is provisionally employed to fill a vacancy in a permanent post and has not completed three months' service in that post unless the probationary period is extended. It is within these two meanings of a "permanent" and a "probationer" workman, that we have to find out whether Dina Nath Nunia continued to be a probationer when he was discharged on July 2, 1973 or he had become permanent before that date. Under Standing Order No. 3(c), in order that a workman may be a probationer it is necessary that (1) his appointment should be as a probationer, (2) the appointment should be to fill a vacancy in a permanent post, (3) he should not have completed three months' service in that post, unless the probationary period is extended. The fact that it is admitted in the written statement that Dina Nath Nunia was appointed on trial with a view to assess his suitability for eventual absorption, and the fact that he has been mentioned as a probationer in several paragraphs, the inference is certain that his appointment was as a probationer to fill a vacancy in a permanent post. He was employed on March 2, 1973 and was discharged on July 2, 1973 after a period of three months; and indeed, on completion of four months. It is on the basis of this Standing Order that the learned counsel for Dina Nath Nunia has urged that he stood automatically confirmed on June 2, 1973 after the expiry of three months because he went out of the category of a probationer. The learned counsel for the company has argued that there can be no automatic confirmation because he must also fall under Standing Order No. 3(b) in order to become "permanent". There seems to be substance in this contention. Under Standing Order No. 3(b), a permanent workman is one who has satisfactorily put in three months' continuous service in a permanent post as a probationer. That being so, two things are necessary in order to convert a probationer into a permanent workman, namely, (1) completion of three months' service and (2) satisfactory performance during this period. It should not be forgotten that the management had the power under Standing Order No. 3(c) to extend the period of probation. A. K. Sapra has deposed that the work of Dina Nath Nunia was not satisfactory. His performance in regard to out-turn was bad in comparison with the other 8 stone-cutters. Dina Nath Nunia has stated that his work was very good. A workman cannot be allowed to assess his own work. It is for the superior officer to do so. A. K. Sapra has deposed that he formed this opinion on his own personal knowledge and on verbal information given to him by the Mining Sirdar. I have no reason to disbelieve him. He has no hostility or animus against Dina Nath Nunia. He confirmed the other 8 but discharged Dina Nath Nunia. It came to this, therefore, that although Dina Nath Nunia had completed three months' service, it was not satisfactory. It is well-settled that where the first appointment is made on probation for a specific period and the employee is allowed to continue in that post after the expiry of the period without any specific order of confirmation, he should be deemed to continue in his post as a probationer only, in the absence of any indication to the contrary in the original order of appointment or the service rules. In such a case, an express order of confirmation is necessary to give the employee a substantive right to the post and from the mere fact that he was allowed to continue in the post after the expiry of his specific period of probation, it is not possible to hold that he should be deemed to have been confirmed. The reason for it is that where on the completion of the specific period of probation, the employee is allowed to continue in the post without an order of confirmation, the only possible view to take in the absence of any thing to the contrary in the original order of appointment or service rule is that the initial period of probation has been extended by necessary implication. See *Sukhbans Singh vs. state of Punjab* 1963 (1) SCR. 416; *Inspector-General Police, 1964 (6) SCR 278*; *State of U.P. vs. Akbar Ali*, 1966 (3) SCR 821; *Director of Public Instruction vs. Dev Raj* 1967 (1) LLJ. 708; *Management of Express Newspapers (P) Limited vs. Presiding Officer*, 1964 (1) LLJ. 9. In all the

aforesaid cases, the conditions of service of the employee permitted the extension of the probationary period for an indefinite time and there was no service rule forbidding its extension beyond a certain maximum period. In the result, Dina Nath Nunia remained a probationer till July 2, 1973 when he was discharged.

11. Unfair labour practice was pleaded but there is no evidence to substantiate it.

12. The company has pleaded that Dina Nath Nunia never raised any industrial dispute with it and, therefore, there was no industrial dispute which could have been referred by the Central Government for adjudication to this Tribunal. Dina Nath Nunia has stated that he made verbal demands upon the Manager for his reinstatement and the Manager promised to give him employment but never did so and it was only after that that he approached the Assistant Labour Commissioner (Central) for redress. The company has not led any evidence to controvert it. I, therefore, hold that the reference is not bad in law.

13. My award is that the management of Pure Selected Golukdihi Colliery were justified in stopping Dina Nath Nunia from work with effect from July 2, 1973 without telling the reasons thereof; and consequently, Dina Nath Nunia is not entitled to any relief.

K. B. SRIVASTAVA, Presiding Officer

[No. L-2012/71/74-LR II/D III A]

S.O. 326.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Loyabad Colliery, Post Office Bansjora, District Dhanbad and their workmen, which was received by the Central Government on the 28th December, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 32 of 1975

In the matter of an industrial dispute u/s 10(1)(d) of the Industrial Disputes Act, 1947.

(Ministry's order No. Z-2025/21/74LR. II/D. IIIA dt. 1-4-75).

PARTIES :

Employers in relation to the management of Loyabad Colliery, Post Office Bansjora, Dist. Dhanbad.

AND

Their workmen

APPEARANCES :

On behalf of the employer—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—Shri J. D. Lal, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, 21st December, 1976.

30th AGRAHAYANA, 1898 Saka

AWARD

The Government of India, Ministry of Labour sent the above reference to this Tribunal for adjudication of the industrial disputes involved with the following issues framed :

SCHEDULE

"Whether the action of the management of Loyabad colliery Post office Bansjora, District Dhanbad, now under the management of Bharat Coking Limited, in terminating the services of the follow-

ing 32 miners with effect from the 17th January, 1972 is justified? If not, to what relief are the concerned workmen entitled?"

| Sl. No | Name of the workmen |
|--------|---------------------|
| 1. | Shri Dhubraj Dhobi |
| 2. | " Tanu Mahato |
| 3. | " Gopal Mahato |
| 4. | " Baijnath Kumar |
| 5. | " Raghunath Rabidas |
| 6. | " Moniram Mahato |
| 7. | " Sudhu Koiri |
| 8. | " Mohammad Mian |
| 9. | " Chifami Passi |
| 10. | " Ramsebad Gope |
| 11. | " Inderdeo Harijan |
| 12. | " Ramjan Mian |
| 13. | " Lalu Harijan |
| 14. | " Ghanshyam Mahato |
| 15. | " Shownath Bhan |
| 16. | " Ramraj Mian |
| 17. | " Lago Mahato |
| 18. | " Kamdu Noma |
| 19. | " Chhatka Majhi |
| 20. | " Nagina Singh |
| 21. | " Somir Rabidas |
| 22. | " Jamudar Upadhaiya |
| 23. | " Sova Jaiswar |
| 24. | " Kali Mahato |
| 25. | " Jhaman Mahato |
| 26. | " Kanju Jaiswar |
| 27. | " Banshi Mahato |
| 28. | " Gorib Mahato |
| 29. | " Dubi Gope |
| 30. | " Sahadeo Mian |
| 31. | " Ratiram Jaiswara |
| 32. | " Banchu Hazam. |

The employers and the workmen both came forward with their respective written statement of demand and rejoinders. The reference was proceeding along its course for quite a time. The workmen also called for documents from the employers. Ultimately the case came up for hearing on 11-11-76 when Shri S. S. Mukherjee, Advocate representing the employers made a submission that Section 9 of the Coal Mines (Nationalisation) Act is a bar to the maintainability of this reference against the employers. Section 9 of the Act provides that :

9(1) every liability of the owner, agent, manager or managing contractor of a coking coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government company.

(2) For the removal of doubts, it is hereby declared that—

(a) save as otherwise provided elsewhere in this Act, no claim for wages, bonus, royalty, rate, rent, taxes provident fund, pension, gratuity or any other dues in relation to a coking coal mine or coke oven plant in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the Government company;

(b) no award decree or order of any court, tribunal or other authority in relation to any coking coal mine or coke oven plant passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government company;

In the written statement para 2 and 3 the case of the workmen is that the concerned workmen were working since long with unblemished record of services and they have also put more than one year continuous service. That the management of Loyabad Colliery of M/s Bharat Coking Coal Limited retrenched the concerned workmen on 17th January 1972 on a plea of alleged surplusage. So it is clear that the complaint or the case of the workmen relates to a period prior to the appointed day i.e. 1-5-72. In view of the position of law as stated above and in view of the case of the workmen as stated above, the employers in relation to the management of Loyabad Colliery of M/s Bharat Coking Coal Limited is not liable for the claim of the workmen in relation to the matter which occurred prior to the date of nationalisation. That being so, the reference is not maintainable against the management of Loyabad Colliery of M/s Bharat Coking Coal Ltd. The learned Advocate appearing for the workmen concedes the point of law as submitted by Shri S. S. Mukherjee Advocate for the employers.

In the result I find that the reference is not maintainable and this is my award.

[No. I 2025/21/74-IRII/D III A]

K. K. SARKAR, Presiding Officer

New Delhi, the 11th January, 1977

S.O. 327.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1 Dhanbad, in the Industrial dispute between the employers in relation to the management of Behraberachak Colliery Unit of Muraidih Colliery of Messrs Bharat Coking Coal Limited and their workmen which was received by the Central Government on the 28th December, 1976.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 8 of 1975

(Ministry's Order No. L 2012/113/74 IRII, dated, the 24th February, 1975)

PARTIES :

Employers in relation to the management of Behraberachak Colliery Unit of Muraidih Colliery, Messrs Bharat Coking Coal Ltd., Post Office Nawagarh, District Dhanbad

AND

Their Workmen

PRESENT :

Mr. Justice K. B. Srivastava (Retd.) Presiding Officer

APPEARANCES :

For the Employers—Shri G. Prasad Advocate

For the Workmen—Shri I. D. Lall, Advocate

STATE - Bihar INDUSTRY - Coal

Dhanbad, the 21st December, 1976

AWARD

The case of the workman Ram Jiwan Chauhan is that Thakur Gupteshwar Prasad Singh, the quondam owner of the Behraberachak Colliery, appointed him as an office clerk on the feet of the appointment letter Ext. W-1 dated October 1, 1972 with effect from the said date on a salary of Rs. 150/- per month, that he continued to work on that post till

January 31, 1973, that the management of the colliery vested in the Custodian under clause 3 of the Coal Mines (Taking Over of Management) Ordinance 1973 with effect from January 31, 1973, that subsequently the high title and interest of Thakur Gupteshwar Prasad Singh in the colliery stood transferred to and vested absolutely in the Central Government with effect from May 1, 1973 under section 3 of the Coal Mines (Nationalisation) Act 1973, that the Custodian terminated his services with effect from February 1, 1973, that the said termination is illegal and unjustified, and hence he is entitled to re-instatement with full back wages and other benefits and continuity of service.

2. His claim has been resisted by the Bharat Coking Coal Limited on the ground that he was never a workman in the colliery, that his name was entered surreptitiously by way of interpolation in the Register Form B, that he never performed any work, that he was never paid any salary, that his name was not entered in any other Register in the colliery, that his appointment letter was not genuine, that there was no relationship of master and servant between him and the company and, therefore, he is not entitled to any relief.

3. The workman filed a rejoinder to the written statement of the company and in that, the only additional plea taken is that the termination of service without giving any opportunity to him to show that he was a regular workman, is violative of the principles of natural justice.

4. Thakur Gupteshwar Prasad Singh was added as a party on the application of the workman and he has fully supported his case.

5. The dispute referred to this Tribunal for adjudication is

"Whether the action of the management Behraberachak Colliery Unit of Muraidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad, in refusing to give employment to Shri Ram Jiwan Chauhan, Clerk, from 31st January, 1973, is justified? If not, to what relief the workman is entitled and from which date?"

6. The workman has examined himself as WW-1 and the company has examined K. P. Rewani as MW-1. The workman has deposed that he was appointed as an office clerk in the colliery by the old owner Thakur Gupteshwar Prasad Singh on October 1, 1972 and continued to work as such till January 31, 1973. He has also deposed that his name was entered both in Register Form B and in Register Form E and his salary used to be paid to him on the basis of vouchers. He has further deposed that his services were terminated with effect from February 1, 1973 after the taking over of management of the colliery. It was suggested to him that he was never appointed as a clerk in the colliery and he was never paid any salary, but denied that these were facts. On the other hand MW-1 K. P. Rewani deposed that Ram Jiwan Chauhan was not a clerk in the colliery. He has, however, on his own admission, no personal knowledge in the matter as he was not an employee in that colliery at the material time. His deposition is based on Ext. M-1 and M-2 but I will revert to these two documents a little later. Thus, so far as the oral evidence is concerned there is the positive testimony of Ram Jiwan Chauhan that he worked in the colliery from October 1, 1972 till January 31, 1973 whereas there is complete lack of oral evidence to controvert him with regard to it.

7. I shall now take up the documentary evidence on the subject. Ext. W-1 is the appointment letter dated October 1, 1972 issued by Thakur Gupteshwar Prasad Singh appointing Ram Jiwan Chauhan as a clerk in the colliery on a monthly salary of Rs. 150/- with effect from October 1, 1972. When a controversy arose as to whether this appointment letter was or was not genuine Thakur Gupteshwar Singh wrote a letter Ext. W-3 to the Custodian on May 31, 1973 certifying that he had appointed him as a clerk with effect from October 1, 1972 and that he should be reinstated with effect from the date of termination of his service. In addition, Ram Jiwan Chauhan summoned two documents from the company to prove that his appointment was not fake and he had actually worked in the colliery during the period October 1, 1972 to January 31, 1973. These documents were the Register Form B for the years 1972 and

1973 and the Register Form F for the same years. Section 48(1) of the Mines Act provides that for every mine there shall be kept in the prescribed form a Register of all persons employed in the mine, whether above or below ground. The prescribed Register is in Form B which is designated as the "Register of Employees." Section 48(4) provides for the maintenance of separate registers in respect of each person employed below ground; or above-ground in open cast working and above-ground in other cases. The prescribed register is in Form E which is designated as a Register of persons "employed above ground otherwise than in open cast workings." Admittedly, the name of a clerk would be entered both in Registers Form B and Form E. The company has not produced the register Form B on the ground that despite best efforts to trace it out, it could not be found in the office. That is also the evidence given by K. P. Rewani. However, I am not inclined to place reliance upon him. The company filed its written statement on June 2, 1976 and it admitted in paragraph 10 that the name of Ram Jiwan Chauhan was entered in Register Form B but explained it by saying that the entry of the name was a surreptitious interpolation. Obviously, the register existed in the office on that date and it is rather strange that it has disappeared since then. I have no reason, therefore, to disbelieve Ram Jiwan Chauhan in this respect. K. P. Rewani then stated that possibly Register B was not given by the old owner to the Custodian at the time of taking over. This also appears to me to be an impossible proposition. Under sub-clause (c) of clause 5 of the Ordinance the Custodian was to take over all books of accounts, registers or other documents in his custody. It is impossible to think that the Custodian would not take into his custody such important documents as Registers Forms B and E. The company has filed a register in Form E but this is for the period June 19, 1973 to October 22, 1973. This is wholly irrelevant. The services of Ram Jiwan Chauhan stood terminated with effect from February 1, 1973. The relevant register was, therefore, one for the period October 1, 1972 to January 31, 1973 but that register has also not been produced. I am entitled, therefore, to draw an adverse inference that had these registers been produced, the name of Ram Jiwan Chauhan would have been found entered therein. The company has produced the Manpower list Ext. M-1 but this was prepared on February 10, 1973 and consequently this list is also irrelevant inasmuch as it was prepared ten days after the termination of the service of Ram Jiwan Chauhan. His name could not be found entered in this for obvious reasons. If the company chose to place reliance upon the Manpower list, it should have produced the list which held the field on January 31, 1973. The company has then placed reliance upon the register of establishment account M-2 for the period June, 1972 to December, 1972. True, there is no entry of the name of Ram Jiwan Chauhan in this register in the months of October, November and December, 1972 but I am not inclined to pin faith on it because the register seems to have been prepared in December, 1972 and no one has signed on it in token of receipt of payment in the months of October, November and December, 1972. Besides, Ram Jiwan Chauhan had pleaded and has also stated on oath that payment to him was always made by vouchers and not on the basis of the establishment register. On the totality of the evidence, therefore, I have come to the conclusion that Ram Jiwan Chauhan was in service in the colliery from October 1, 1972 to January 31, 1973 and that his services were terminated with effect from February 1, 1973.

8. The next question is as to what relief can be granted to him. The learned counsel for the workman contended that Ram Jiwan Chauhan was a workman within the meaning of the Industrial Disputes Act and since he had been in the employment of the colliery from before the appointed day, he will become on and from the said day, an employee of the company under section 14 of the Coal Mines (Nationalisation) Act, 1973. I am afraid this contention is not well founded. The appointed day, within the meaning of clause (a) of section 2, is the 1st day of May, 1973. Section 14 says that every person who is a workman within the meaning of the Industrial Disputes Act, and has been immediately before the appointed day, in the employment of a coal mine shall become on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government company in which the right, title and interest of such mine have vested under the Act. The expression "immediately before" would ordinarily mean forthwith; but when used in statutes, it would mean "within a reasonable time". The termination of

service took place on February 1, 1973 and the appointed day is May 1, 1973 and therefore it could not be said that the termination was immediately before the appointed day. That being so, Ram Jiwan Chauhan was not a workman on the appointed day or immediately before it. Besides admittedly, he has been paid his salary for the period October 1, 1972 to January 31, 1973 with the result that there was no salary in arrear on February 1, 1973 when his services were terminated. The only relevant relief is one of reinstatement and payment of salary after January 31, 1973. Obviously, Thakur Gupteshwar Prasad Singh cannot reinstate him with effect from February 1, 1973 because he was not in management of the colliery on that date. Likewise, he cannot reinstate him with effect from May 1, 1973 when the colliery vested in the company. No award can be passed against the company also for reinstatement or for payment of back wages. Section 7(2)(b) of the Coal Mines (Nationalisation) Act says that no award in relation to any coal mine passed after May 1, 1973, but in relation to any matter, claim or dispute which arose before that day shall be enforceable against the Central Government or the Government company. It follows, therefore, that since the dispute is one related to the termination of service which was effected before the appointed day, no award can be passed against the company in respect of that dispute.

9. In the result the workman is not entitled to any relief.

10. My award is that the workman is not entitled to any relief.

K. B. SRIVASTAVA, Presiding Officer

[No L-2012/113/74-LRU/D III A]

S. H. S. IYER, Desk Officer

New Delhi, the 31st December, 1976

S.O. 328—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad in the industrial dispute between the employers in relation to the management of messrs Continental Construction (Private) Limited, Visakhapatnam and their workmen, which was received by the Central Government on the 29th December, 1976.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 37 of 1974

BETWEEN

The management of M/s. Continental Construction (Private) Limited, Visakhapatnam.

AND

The Management of M/s. Continental Construction (Private) Limited, Visakhapatnam.

APPEARANCES :

(1) Sri K. Satya Rao, General Secretary, Continental Construction Company Workers & Staff Union, Visakhapatnam—for Workmen

(2) Sri C. S. Varma, Asst Administrative Officer, Continental Construction (P) Limited, Visakhapatnam—for Management.

AWARD

The Government of India, Ministry of Labour through its order No. L 34011/14/74-PD/CMT dated 19-10-74 referred under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the following dispute existing between the Management of the Continental Construction (Private) Limited, Visakhapatnam and their workmen to this Tribunal for adjudication—

"Whether Messrs Continental Construction (Private) Limited, Visakhapatnam are justified in denying payment of bonus to muster roll workers for the year 1971.

and to daily-rated and muster roll workers for the years 1972 and 1973 ? If not, what rate are these workmen entitled to ?”

2. The reference was registered as Industrial Dispute No. 37 of 1974 and notices were ordered to be issued to both the parties. The workmen filed a claims statement and the Management also filed a counter.

3. The Management filed a Writ Petition No. 390 of 1975 on the file of the High Court of Andhra Pradesh, Hyderabad questioning the competency of the Central Government to make the reference. The Management had also filed Writ Petition Nos 342 and 389 of 1975 questioning the validity of the references which were registered respectively as I.D. Nos. 27 and 35 of 1974. All these 3 petitions were dismissed by the High Court by a common judgment dated 3-3-1976. During the pendency of the Writ Petitions these proceedings were stayed.

4. The Workmen's contention was that the Management had entered into an agreement dated 28-7-1973 under Section 12(3) of the Industrial Disputes Act, 1947 to pay bonus or ex gratia to the workers for the year 1971 and committed default. Hence a request is made for a direction to the Management to pay bonus to muster-roll workers for 1971 and to daily rated and muster-roll workers for 1972 and 1973. The Management disputed its liability.

5. On 4-8-1976 a joint memo was filed by the central Secretary of the Workers' Union and the Assistant Administrative Officer of the Management stating that the parties had mutually agreed not to press the reference since the dispute had been settled outside the Court. They requested that a nil award might be passed. The joint memo. was recorded.

6. Since the workmen have chosen not to press their demands for payment of bonus it must be held that they have given up the claim voluntarily. Hence there is no need to proceed with the matter further.

A Nil Award is hereby passed.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 26th day of November, 1976.

APPENDIX OF EVIDENCE :

-NIL-

[No. L-34011(14)/74-D IV (A)]

K. P. NARAYANA RAO, Presiding Officer

S.O. 329.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Messrs Continental Construction (Private) Limited, Visakhapatnam and their workmen, which was received by the Central Government on the 29th December, 1976.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)

AT HYDERABAD

Industrial Dispute No. 35 of 1974

BETWEEN

The Workmen of Continental Construction (Private) Ltd.
Visakhapatnam.

AND

The Management of Continental Construction (Private) Limited, Visakhapatnam.

APPEARANCES :

- (1) The General Secretary, Continental Construction Company Workers & Staff Union, Sankara Villa, Bowdara Road, Visakhapatnam, for Workmen.
- (2) Sri K. Parasurama Patrudu, Joint Secretary, A.P. Federation of Chambers of Commerce, for Management.

AWARD

The Government of India, Ministry of Labour through its order No. L. 34012/4/74-PD/CMT dated 21-10-1974 referred under Sections 7A and 10(1) (d) of the Industrial Disputes Act, 1947 the following dispute existing between the Management of Continental Construction (Private) Limited, Visakhapatnam and their Workmen to this Tribunal for adjudication :—

“Whether the management of Continental Construction Private Limited, Outer Harbour Project, Post Office Gandhigram, Visakhapatnam-530005 is justified in terminating the services of the undermentioned 141 of their employees. If not, to what relief are the employees entitled ?”

| S.No. | Name | Designation | Section | Date of Appointment |
|-------|----------------------------|-----------------|-------------|---------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1. | M. Baburao . . . | Dumper Operator | Dumper Sec. | 7-1-72 |
| 2. | M. Satya Prakash . . . | „ | „ | 8-1-72 |
| 3. | M. Venkata Rao . . . | „ | „ | 4-12-72 |
| 4. | Y. Ramulu . . . | „ | „ | 10-11-71 |
| 5. | F. Kondala Rao . . . | „ | „ | 21-2-72 |
| 6. | P. Narayanarao . . . | „ | „ | 22-2-72 |
| 7. | P. Simbachalam . . . | „ | „ | 21-2-72 |
| 8. | S.K. Ansari . . . | „ | „ | 21-3-73 |
| 9. | L. Suryanarayana . . . | „ | „ | 6-4-73 |
| 10. | C.S. Nair . . . | „ | „ | 5-6-73 |
| 11. | B. Thakur Das . . . | „ | „ | 22-5-73 |
| 12. | A.K. Diwakaran . . . | „ | „ | 22-5-73 |
| 13. | A. Ramarao . . . | „ | „ | 1-9-71 |
| 14. | T. Appanna . . . | „ | „ | 2-9-71 |
| 15. | Sk. Khalisa . . . | „ | „ | 16-2-72 |
| 16. | V. Subba Rao . . . | „ | „ | 2-2-72 |
| 17. | B.T. Naidu . . . | „ | „ | 1-4-71 |
| 18. | B. Sanyasi Rao . . . | „ | „ | 21-3-72 |
| 19. | T.R. Narayana Pillai . . . | „ | „ | 15-10-72 |
| 20. | P. Thomas . . . | „ | „ | 21-2-72 |
| 21. | Y.A. Naidu . . . | „ | „ | 24-9-71 |
| 22. | S. Ramu . . . | „ | „ | 22-3-73 |
| 23. | Abdul Sattar . . . | „ | „ | 10-9-71 |
| 24. | K.K. Krishna . . . | „ | „ | 28-11-72 |
| 25. | K. Ganga Raju . . . | „ | „ | 31-12-71 |
| 26. | P. Appa Rao-IV . . . | „ | „ | 16-2-72 |
| 27. | N. Nooka Raju . . . | „ | „ | 27-12-72 |
| 28. | K. Gopinath Pillai . . . | „ | „ | 10-10-72 |
| 29. | K. Gopal Pillai . . . | „ | „ | 21-3-73 |
| 30. | G. Venkata Rao . . . | „ | „ | 9-3-72 |
| 31. | U. Polayya . . . | „ | „ | 11-11-71 |
| 32. | G. Pentaiah . . . | „ | „ | 21-11-72 |
| 33. | S.L. Narasinga Rao . . . | „ | „ | 25-9-71 |
| 34. | P. Venkata Rao . . . | „ | „ | 17-8-71 |
| 35. | Ram Khilawan . . . | „ | „ | 1-5-70 |
| 36. | K. Appala Swamy . . . | „ | „ | 4-1-72 |
| 37. | Balakrishna . . . | „ | „ | 6-11-72 |
| 38. | R. Venkata Swamy . . . | „ | „ | 28-9-72 |
| 39. | G. Ramulu . . . | „ | „ | 24-3-71 |
| 40. | M.V. Satyanarayana . . . | „ | „ | 10-10-71 |
| 41. | K.A. Naidu . . . | „ | „ | 2-9-71 |

| 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 |
|----|-------------------------|-----------------|---------------|-------------|-----|--------------------------|----------------|----------------|----------|
| 42 | Prathapi Singh | Dumper Operator | Dumper Sec | 7-10-71 | 100 | B K. Duttu | Supervisor | Shovel Sec | 18-11-71 |
| 43 | Veswanth Singh | Operator | " | 28-11-72 | 101 | G. Sanyasi | Pump Helper | Pump Sec | 8 years |
| 44 | Syed Malim Shah | " | " | 21-2-72 | 102 | M. Naidu | Helper | Elec Section | |
| 45 | G. Paradesi | " | " | 28-3-73 | 103 | D. Apparao | Mixer Operator | — | 3-9-73 |
| 46 | K. Pradesi Rao | " | " | | 104 | Nani Singh | Khalasi | — | |
| 47 | L. Apparao | " | " | | 105 | Krishna Murthy | Blacksmith | Dumper Sec | |
| 48 | V. Narayana Rao | " | " | | 106 | P. R. Vasudevan | Fitter | Batching Plant | 1-12-71 |
| 49 | Y. Mohana Rao | " | " | | 107 | M. Satyanarayana | Helper | Batching Plant | 5-12-72 |
| 50 | Krupa Ram | " | " | | 108 | K. Trinadha Rao | " | " | 1-12-72 |
| 51 | Ch. Appala Swamy | " | " | | 109 | Satyanarayana Rao | " | " | 4-12-72 |
| 52 | V. V. Ramana | " | " | 15-2-72 | 110 | S. Rama Rao | " | " | 10-12-72 |
| 53 | P. Ramamurthy Raju | " | " | | 111 | Vijayakumar | " | " | 9-12-72 |
| 54 | Nar Singh | " | " | | 112 | Nanna Khan | Mechanic | " | 1-10-70 |
| 55 | Bhajan Singh | " | " | | 113 | Nanda Gopal | Mixer Op | " | 30-11-71 |
| 56 | A. G. Pillai | " | " | | 114 | G. Narasing Rao | Helper | " | 6-8-72 |
| 57 | P. Pydiah | " | " | | 115 | Viswanatha Kurup | Fitter | " | |
| 58 | J. Ethirajulu | Jeep Driver | Jeep Section | 5-9-71 | 116 | D. Narasimhamurthy | Blacksmith | " | 6-9-72 |
| 59 | K. Venkata Rao | " | " | | 117 | K. Easwara Rao | Helper | " | |
| 60 | Venkata Ramana | " | " | | 118 | R. C. Das | Com Operator | " | 26-5-71 |
| 61 | V. Kondala Rao | Mechanic | Dumper Sec | 1-12-71 | 119 | Ram Raj | " | " | 3-9-71 |
| 62 | N. Ramu | Helper | " | 1-1/2 years | 120 | B. Sanyasi Rao | " | — | 8-9-71 |
| 63 | V. K. Varghese | Electrician | " | 22-9-72 | 121 | Ch. Prakasa Rao | " | — | 1-7-70 |
| 64 | V. G. Panikar | Helper | " | 20-11-72 | 122 | A. Demudu | Com | — | |
| 65 | N. Radhakrishna Pillai | Mechanic | " | 19-10-71 | 123 | B. Sadu Rao | Driller | — | 1971 |
| 66 | S. Subramanyam | Mechanic | " | 4-10-71 | 124 | A. Atchi Babu | " | — | 1971 |
| 67 | D. Ramu | Helper | " | 2-11-71 | 125 | S. Sanyasi Rao | Helper | — | 1-10-73 |
| 68 | K. Lakshmana Rao | " | " | 15-9-73 | 126 | P. Modu Naidu | Asst Blaster | — | 9-3-71 |
| 69 | C. J. Vargeese | M/Helper | " | 10-11-71 | 127 | P. Narasinga Rao | " | — | 3-5-71 |
| 70 | R. Paradesi Rao | Hammerman | " | 6-12-72 | 128 | P. Bapanaiah | " | — | 12-8-73 |
| 71 | P. Appanna | Type Fitter | " | 1-1-72 | 129 | D. Apparao | Dozer Mechanic | — | 16-8-72 |
| 72 | S. Mohana Rao | Welder | " | 1-7-72 | 130 | M. Satyanarayana | Helper | Jetty | 5-12-72 |
| 73 | T. V. Appa Rao | Mechanic | " | 3 years | 131 | D. Chinnajeevi | Dumper Opr | D. Sec | 2-8-73 |
| 74 | Gangadhar Panikar | Helper | " | | 132 | Abdul Jabar | M. Helper | " | 3-9-73 |
| 75 | S. Appala Raju | " | " | | 133 | S. V. Satyanarayana Raju | Welder | C-7 | 1-3-72 |
| 76 | P. Veeni Babu | Turner | Workshop Sec. | 23-9-71 | 134 | K. Rammohan | Fitter | " | 20-12-72 |
| 77 | P. Babu Rao | " | " | 1-11-71 | 135 | G. H. Satyanarayana | Helper | " | |
| 78 | Gaffur | " | " | 25-5-73 | 136 | M. Raju | Fitter | " | |
| 79 | S. Appala Swamy | Welder | " | 2-1-68 | 137 | K. Rukmandra Rao | M/Helper | Dozer Sec | 21-9-71 |
| 80 | K. Prabhakaran Pillai | " | " | 15-9-71 | 138 | V. R. Narayana Rao | D/Op | D/S | 15-6-71 |
| 81 | A. Gopinath Pillai | " | " | 8-12-71 | 139 | Sk. Makubul | S/R | D/S | 24-8-71 |
| 82 | B. Raju | " | " | 25-11-71 | 140 | A. Satyanarayana | Jeep Driver | | 20-11-69 |
| 83 | G. Appa Rao | " | " | 15-9-71 | 141 | S. Sadhu Babu | Type Fitter | D/S | 1-4-71 |
| 84 | P. Appala Reddy | " | " | 1-2-72 | | | | | |
| 85 | B. Mohana Rao | Blacksmith | " | 20-9-72 | | | | | |
| 86 | N. Pydiah | Hammerman | " | 1-10-71 | | | | | |
| 87 | T. Appa Rao-I | " | " | 1-2-72 | | | | | |
| 88 | K. Apparao | Khalasi | " | 23-11-72 | | | | | |
| 89 | K. Mohammad | " | " | 1-2-73 | | | | | |
| 90 | A. Joseph | Fitter | " | 22-10-71 | | | | | |
| 91 | R. Venkata Rao | " | " | | | | | | |
| 92 | Y. K. Viswanath Rao | Helper | " | 21-3-72 | | | | | |
| 93 | Sakti | " | " | | | | | | |
| 94 | G. Subba Rao | " | " | | | | | | |
| 95 | P. S. S. S. Prasada Rao | Store Keeper | " | 1-10-73 | | | | | |
| 96 | K. Appalaswamy | Store Helper | Store Sec | 11-5-72 | | | | | |
| 97 | N. Apparao | " | " | 21-9-71 | | | | | |
| 98 | Jespal Singh | Khalasi | " | 1 year | | | | | |
| 99 | F. K. Reddy | Supervisor | Shovel Sec | 25-6-71 | | | | | |

2. The reference was registered as Industrial Dispute No. 35 of 1974 and notices were ordered to be issued to both the parties. The Workmen filed a claims statement and a counter was also filed on behalf of the Management.

3. The Management filed a Writ Petition No. 389 of 1975 in the High Court of Andhra Pradesh, Hyderabad questioning the competency of the Central Government to refer this dispute. Similarly the Management filed Writ Petition Nos. 342 and 390 of 1975 questioning the validity of the references which were registered respectively as Industrial Dispute Nos. 27 and 37 of 1974. All these 3 Writ Petitions were dismissed by the High

Court by a common judgment dated 3-3-1976. During the pendency of the Writ Petitions these proceedings were stayed.

4. The dispute relates to the termination of the services of 141 employees whose particulars are given in the annexure to the reference. They are said to have been dismissed since they had gone on illegal strike from 17-5-1974 and the workmen contended that the dismissal orders are unjust. These allegations are refuted by the Management who contends that the strike was illegal.

5. On 4-8-76 a joint memo was filed by the General Secretary of the Workers' Union and the Assistant Administrative Officer of the Management stating that the parties had mutually agreed not to press the reference since the dispute had been settled outside the Court. They requested that a nil award might be passed. The joint memo was recorded.

6. Since the workmen have chosen not to press their demand for reinstatement of these 141 workmen with back wages etc., it must be held that the demand is given up. Hence there is no need to proceed with the enquiry further.

7. A nil award is hereby passed.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 26th day of November, 1976.

INDUSTRIAL TRIBUNAL

APPENDIX OF EVIDENCE

| Witnesses Examined For Workmen : | Witnesses Examined For Management : |
|-------------------------------------|----------------------------------------|
| —NIL— | —NIL— |
| DOCUMENTS MARKED FOR WORKMEN : | |
| —NIL— | |
| DOCUMENTS MARKED FOR MANAGEMENT : | |
| —NIL— | |

[No. L-34012(4)/74-D. IV (A)]

K. P. NARAYANA RAO, Presiding Officer.

S.O. 330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Messrs. Continental Construction (Private) Limited, Visakhapatnam and their workmen, which was received by the Central Government on the 29th December, 1976.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 3 of 1973 BETWEEN

Workmen of Continental Construction (Private) Limited, Visakhapatnam.

AND

The Management of Continental Construction (Private) Limited, Visakhapatnam.

APPEARANCES :

- (1) Sri K. Parasurama Patrudu, Joint Secretary of A.P.F.C.C. Hyderabad, for Management.
- (2) The President, Continental Construction Employees Union, for Workmen.

AWARD

The Government of India, Ministry of Labour and Rehabilitation (Department of Labour and Employment) through

its order dated L-34011/8/72-P&D dated 19-1-1973 referred under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the following disputes existing between the Management of Continental Construction (Private) Limited, Visakhapatnam and their workmen to this Tribunal for adjudication :—

“Whether the demands of the Continental Construction Employees Union, Visakhapatnam, in respect of the following matters are justified ? If so, to what relief are the workmen entitled?

1. Rationalisation of wages on the basis of equal pay for equal work;
2. Classification of workers into categories; and
3. House Rent Allowance.”

2. The reference was registered as Industrial Dispute No. 3 of 1973 and notices were ordered to be issued to both the parties.

3. The Management filed Writ Petition No. 1678 of 1973 questioning the competency of the Central Government to refer the disputes to this Tribunal for adjudication. On the ground that it was only the State Government that was competent to make the reference. In view of the pendency of the Writ Petition these proceedings were stayed. The High Court by its order dated 19-3-1974 was pleased to dismiss the Writ petition holding that the disputes were rightly referred by the Central Government. Thereafter the workmen filed a claims statement. The Management preferred Writ Appeal No. 675 of 1974 against the orders passed by the High Court in Writ Petition No. 1678 of 1973 and the present proceedings were once again stayed. The High Court by its judgment dated 2-3-1976 was pleased to dismiss the writ Appeal. Thereafter the Management filed their counter statement.

4. The allegations in the claims statement filed on behalf of the workmen are briefly as follows :— M/s. Continental Construction (Private) Limited is a concern for the construction of Wharfs, Jetties, Breakwaters etc. and employs many workers such as dumper operators, drivers of trucks, fitters, mechanics and other tradesmen for the Outer Harbour Project of Visakhapatnam Port Trust. The Management has been indulging in unfair labour practices by fixing different rates of pay for the same category of work. For the same job different rates of pay or wages exist and the difference is glaring in the case of those who come from the home state of the employers. This is noticeable in the case of dumper operators. Justice demands that equal pay or wages should be paid for equal work and this was denied by the Management. Another type of exploitation indulged in by the Management is the manipulation by which workers appointed in lower categories are made to work in higher jobs for which higher emoluments have to be paid. For example, helpers are required to do the job of fitters while drawing the salary of helpers. Even among helpers in a particular trade there are differences in scales of pay. This is due to lack of proper assignment of job. The nature of the job or the duties are not specified. The Union therefore demanded categorisation of workers with a graded system and specification of their jobs. In view of the acute shortage of accommodation for workers in Visakhapatnam, the Union proposes that house rent allowances at 15 per cent of the wages should be paid. The workmen therefore request that an award might be passed accordingly.

5. In their counter statement the Management contended as follows :—It is not rule to say that the Management indulged in any unfair labour practices as alleged in the claims statement. No different rates of wages have been fixed for the same category of work. It is also not true to say that the rates of wages for the existing labour at Visakhapatnam are different from those persons coming from the home-state of the employers. This concern is essentially a construction Company which undertakes to do Civil works on contract basis. The Company has taken such works at several places in India wherein skilled employees are employed and are retained on permanent rolls. Those persons are liable for transfer from one place to another. The Company also recruited personnel for the project work on a temporary basis and they are far junior to those employees transferred from other places. This accounts for the difference in wages. It is not true to say that the workmen employed in lower categories were to made to work in higher jobs by manipula-

tion. Since the wages paid to the workmen are consolidated wages inclusive of all allowances, the demand for house rent allowance is unjustifiable. The Management have completed their works at Visakhapatnam and more 90 per cent of the workers have been retrenched. The existing staff of the Management have been kept only for maintenance and for winding up of the work. They do not belong to the Union. The Union has no representative capacity. Hence the demands put forth by the workmen are liable to be rejected.

6. In spite of notices no one representing the workmen appeared before the Tribunal. No evidence was adduced by either party. On 15-11-1976 a memo was filed on behalf of the Management stating that the works relating to the Outer Harbour Project of Visakhapatnam were completed a long time back, that only a skeleton staff was retained by the Management for the maintenance of the works and the machinery, that all the staff are now residing in the quarters constructed by the Management, and that all the workers engaged in the project were retrenched after paying retrenchment compensation due to them. Hence it is requested that a nil award might be passed.

7. In their claims statement the workmen put forth 3 contentions. The first contention is that equal wages were not being paid for equal work and that higher wages were paid to workers coming from the Management's home-state. Hence it is requested that the wages might be rationalised. The second complaint put forth was that workers belonging to lower categories were made to do the work pertaining to a higher job though the emoluments paid were only those payable for the lower job. Hence it is demanded that the workers might be classified into categories. The last complaint and demand put forward are that since cost of securing house accommodation for the workers at Visakhapatnam is enormously high, the workers should be paid house rent allowance at 15 per cent of their wages.

8. The Management undertook certain constructions relating to the Outer Harbour Project of Visakhapatnam. Since the Management has several establishments spread over the entire country, staff with higher technical skill and greater experience were transferred to Visakhapatnam from other places. Naturally the wages and pay-scales of such personnel would be higher than those of the persons recruited on a temporary basis at Visakhapatnam itself. Moreover the complaint that different wages are paid for the same type of work is rather vague in as much as necessary particulars are not furnished by mentioning the names of the concerned workers and the jobs in which they are employed. The same can be said even with regard to the complaint that the workers in lower jobs are made to work in higher jobs without getting the higher pay. Specific instances are not given. Moreover classification of workers into categories is a matter which can be done only on proper job evaluation which is primarily a managerial function. Various factors such as educational qualifications, mental capacity, physical stamina, occupational hazards, degree of responsibility, nature of the instruments that may have to be handled etc. should be taken into consideration while classifying the jobs into categories. There is absolutely no material available on the basis of which the jobs can be classified and categorised. In the absence of such categorisation of the jobs the question of fixing wages or rationalising the wage structure does not arise. Moreover it is stated that almost the entire establishment has been disbanded on the completion of the work on the Outer Harbour Project at Visakhapatnam and that all the workers have been retrenched after paying compensation due under law. Only a skeleton staff is retained at present for the limited purpose of maintaining the works and winding-up the establishment. All the members of the skeleton staff are said to have been provided with housing accommodation by the Management itself. Hence there is no justification even for payment of house rent allowance.

9. For all these reasons I hold that none of the demands put forth by the workmen in their claims statement can be conceded.

A nil award is hereby passed.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 26th day of November, 1976.

APPENDIX OF EVIDENCE

NIL

[No. L-34011(8)/72-D.IV A]

K. P. NARAYANA RAO, Presiding Officer.

S.O. 331.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Messrs. Continental Construction (Private) Limited, Visakhapatnam and their workmen, which was received by the Central Government on the 29th December, 1976.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Disputes No. 27 of 1974

BETWEEN

Workmen of Continental Construction (Private) Limited, Visakhapatnam.

AND

The Management of Continental Construction (Private) Limited, Visakhapatnam.

APPEARANCES :

- (1) The General Secretary, Continental Construction Company Workers & Staff Union, Sankara Villa, Bowdara Road, Visakhapatnam for Workmen.
- (2) Sri K. Parasurama Patrudu, Joint Secretary, A. P., Federation of Chambers of Commerce, for Management.

AWARD

The Government of India, Ministry of Labour by its order No. 34012/3/74-PD/CMT dated 25-9-1974 referred under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the following dispute existing between the Management of Continental Construction (Pvt.) Limited, Visakhapatnam and their workmen to this Tribunal for adjudication :

"Whether the action of Continental Construction (Private) Limited, Visakhapatnam in dismissing Shri S. Kanaiah Khalasi, Workshop Section, from service with effect from the 7th February, 1974 is justified? If not, to what relief is the workman entitled?"

2. The reference was registered as Industrial Dispute No. 27 of 1974 and notices were ordered to be issued to both the parties. A claims statement was filed on behalf of the workmen and the Management also filed a counter.

3. Writ Petition No. 342 of 1975 was filed by the Management in the High Court of Andhra Pradesh, Hyderabad questioning the competency of the Central Government to refer the dispute for adjudication. Writ Petition Nos. 389 and 390 of 1975 were also filed by the Management questioning the competency of the Central Government to refer the disputes registered respectively as Industrial Dispute Nos. 35 and 37 of 1974. All these 3 Writ Petitions were dismissed by means of a common judgment by the High Court on 3-3-1976. During the pendency of the aforesaid Writ Petitions these proceedings were stayed.

4. This industrial dispute relates to the dismissal of a Khalasi by name S. Kanaiah from service w.e.f. 7-2-1974. The ground on which he was dismissed was that he had disobeyed his superiors by refusing to unload drums from the stores on 21-1-1974. The workmen's contention is that the domestic enquiry conducted by the Management was just a make-believe enquiry and that full advantage was taken of the concerned workman's illiteracy without following the principles of natural justice. Hence a demand was made for his reinstatement with continuity of service and back wages. These allegations are refuted by the Management which contends

that the domestic enquiry was conducted in accordance with the principles of natural justice and that as the workman concerned refused to do the work allotted to him he was dismissed from service.

5. On 4-8-1976 a joint memo was filed by the General Secretary of the Workers' Union and the Assistant Administrative Officer of the Management stating that the reference was not pressed as the dispute had been settled out of Court and it was requested that a nil award might be passed. After questioning the parties concerned the aforesaid memo was recorded.

6. Since the Union has virtually given up its demand for the reinstatement of the workman concerned in view of the settlement reached out of Court, the demand must be held to have been given up and not pressed. Hence there is no need to proceed with the enquiry.

A Nil Award is hereby passed.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 26th day of November, 1976.

INDUSTRIAL TRIBUNAL.

APPENDIX OF EVIDENCE

Witnesses Examined

For Workmen :

—NIL—

DOCUMENTS MARKED FOR WORKMEN:

—NIL—

DOCUMENTS MARKED FOR MANAGEMENT:

—NIL—

Witnesses Examined

For Management:

—NIL—

K. P. NARAYANA RAO, Presiding Officer

[No. L-34012(3)/74-D. IV(A)]

NAND I AL, Desk Officer.

नई दिल्ली, 6 जनवरी, 1977

का० आ० 332.—भारत सरकार के तत्कालीन श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० आ० 1698, दिनांक 22-5-1965 द्वारा गठित श्रम न्यायालय, बम्बई के पीठासीन अधिकारी के कार्यालय में एक रिक्ति हुई है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री न्यायमूर्ति जितेन्द्र नारायण को 20 दिसम्बर, 1976 से उक्त श्रम न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[का० सं० एस०-11020/7/76-डी आई ए (i)]

New Delhi, the 6th January, 1976

S.O. 332.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Labour Court at Bombay constituted by the notification of the Government of India in the then Ministry of Labour and Employment No. S.O. 1698, dated the 22nd May, 1965.

Now, therefore, in pursuance of the provisions of Section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appointed Shri Justice Jitendra Narain as the Presiding Officer of the said Labour Court, with effect from the 20th December, 1976.

[F. No. S. 11020/7/76/DIA(i)]

का० आ० 333.—भारत सरकार के तत्कालीन श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० आ० 172, दिनांक 16-1-1960 द्वारा गठित औद्योगिक अधिकरण, बम्बई के पीठासीन अधिकारी के कार्यालय में एक रिक्ति हुई है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री न्यायमूर्ति जितेन्द्र नारायण को 20 दिसम्बर, 1976 से उक्त औद्योगिक अधिकरण के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[का० संख्या एस०-11020/7/76-डी आई ए (ii)]

एस० के० नारायणन, डेस्क अधिकारी

S.O. 333.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Industrial Tribunal at Bombay constituted by the notification of the Government of India in the then Ministry of Labour and Employment No. S.O. 172 dated the 16th January, 1960;

Now, therefore, in pursuance of the provisions of Section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Justice Jitendra Narain, as the Presiding Officer of the said Industrial Tribunal, with effect from the 20th December, 1976.

[F. No. S. 11020/7/76/DIA(ii)]

L. K. NARAYANAN, Desk Officer

New Delhi, the 31st December, 1976

S.O. 334.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Jabalpur, in the industrial dispute between the employers in relations to the management of Korba Colliery of Western Coalfields Ltd., Korba Sub-Area, Korba and their workmen, which was received by the Central Government on the 29th December, 1976.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(9) of 1976

PARTIES :

Employers in relation to the management of Korba Colliery of Western Coalfields Limited Korba Sub-Area, Korba and their workmen represented by Chattisgarh Colliery Mazdoor Union, P. O. Banki Mongra, District, Bilaspur (M.P.)

APPEARANCES :

For workmen—S/Sri L. K. Paswan, President and Ram-bilas Shobhnath, Secretary of the Union.

For employer—S/Sri P. S. Nair, Advocate, P. S. Verma and Gindal.

INDUSTRY : Coal Mine DISTRICT: Bilaspur (M.P.)

Dated December 9, 1976

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-22012/20/75/DIIB dated 31st May 1976 about the following industrial dispute :—

"Whether the action of the management of Rajgamar Colliery of Western Coalfields Limited, Korba Area, Korba, is justified in not placing the workmen mentioned in the category specified against each name in accordance with the Central Coal Wage Board Recommendations ? If not, to what relief are the said workmen entitled and from what date?

ANNEXURE

| S.No. | Name | Designation | Date of appointment |
|-------|----------------------------|--------------------|---------------------|
| 1. | Shri Hethram S/o Dayaram | Trammer | 23-7-74 |
| 2. | Shri Mahandra S/o Jairam | Trammer | 23-7-74 |
| 3. | Shri Kartiram S/o Chamroo | Timberman | 23-7-74 |
| 4. | Shri Sukulram S/o Kasiram | Coal Cutter Loader | 10-10-74 |
| 5. | Shri Ramadhar S/o Kanhaiya | Driller | 23-7-74 |
| 6. | Shri Jaitram S/o Lalaram | Dresser | 23-7-74 |
| 7. | Shri Laxman S/o Gangaram | Loader | 22-7-74 |
| 8. | Shri Mangaloo S/o Anandram | Lamproom Attendant | 23-7-75 |
| 9. | Shri Jagnath S/o Aghori | Loader | 18-5-75 |

2. Parties entered into a settlement in which the Union virtually relinquished the whole claim. The settlement shall form part of the award which is given in terms of the said settlement.

S. N. JOHRI, Presiding Officer,
9-12-76

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR (CAMP AT KORBA)

Case No. CGIT/LC(R)(9) of 1976

Employers in relation to the management of Korba Colliery of Western Coalfields Limited, Korba Sub-Area, Korba and their workmen represented through the Chattisgarh Colliery Mazdoor Union, P.O. Banki Mongra, District Bilaspur (M.P.)

May it please your Honour,

The parties have mutually discussed the case. The management has submitted that Shri Mahendra S/o Shri Jairam and Shri Sukulram S/o Shri Kasiram are working as piece rated loaders for the last few months and they are paid wages as loaders.

Shri Jagnath S/o Shri Aghori is not on the strength of the Colliery.

The other six workers are working as General Mazdoor/Badli for the last few months and have been paid wages of Category I. They are :—

1. Shri Hethram S/o Shri Dayaram
2. Shri Kartiram S/o Shri Chamroo
3. Shri Ramadhar S/o Kanhaiya
4. Shri Jaitram S/o Shri Lalaram
5. Shri Laxman S/o Shri Gangaram
6. Shri Mangaloo S/o Shri Anandram

That the Union is satisfied with the above statement and are also satisfied by the Category and wages given to the workers.

The parties pray that the above compromise be recorded and an award be passed accordingly, to maintain good industrial relation :

128GI/76—15

Dated : Korba 26-11-76.

Represented of the Union

Counsel for the Management.

(L. K. Paswan)
President

PART OF AWARD.

(Rambilas Shobhnath)
Secretary.

[No. L-22012/20/75-DIIB]
S. N. JOHRI, Presiding Officer
9-12-76

S.O. 335.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur in the industrial dispute between the employers in relations to the management of Chand-Ka-Khera Mine of Shri Pyaraji, Mine Owner, Chand-Ka-Khera Sand Stone Mines, Post Office Lambakho, Distt. Bundi and their workmen, which was received by the Central Government on the 29th December, 1976 .

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC(R)(57) of 1976

PARTIES :

Employers in relation to the management of Chand-Ka-Khera Mine of Shri Pyaraji, Mine Owner, Chand-Ka-Khera Sand Stone Mines, Post Office Lambakho, District Bundi and their workmen represented through the President Pathar Khan Mazdoor Sangh, Kota (Rajasthan)

APPEARANCES :

For workmen—Shri M. P. Sharma, President.
For employers—None.

INDUSTRY : Stone Mine

DISTRICT : Bundi
(Rajasthan)

Dated December 10, 1976

AWARD

Following reference has been made by the Government of India in the Ministry of Labour vide its Order No. L-29011/114/75/DIIB/S dated 25-10-1975 for industrial adjudication by this Tribunal :—

"Whether the workmen employed in Chand-Ka-Khera Sand Stone Mines, Post Office Lambakho in the District of Bundi (Rajasthan) of Shri Pyaraji Son of Shri Madiolal, Mine Owner are entitled for grant of any paid national and festival holidays? If so, on what occasions and from which year?"

2. The case of the sponsoring Union is that 10 paid national and festival holidays should be granted to the workmen in a year by the mine owner since 15-4-1975. It took up the matter with the employer and then moved the Asstt. Labour Commissioner but the owner did not concede hence the reference had to be made. Such holidays are being granted by other employers in the area.

3. The case of the Union is proved by the evidence of Shri M. P. Sharma President. The employer has preferred to remain ex parte.

4. Accordingly it is held that as per prevailing practice in the area the employer shall grant following ten paid holidays to the employees in the said mines with effect from 15-4-1975 and shall pay the arrears of wages within one month of the publication of this award. The employer shall further pay Rs. 100/- as costs to the Union.

Holidays (National and Festival)

| | |
|-----------------------------------|-----------|
| 1. 26th January (Republic Day) | — One day |
| 2. Holi (Dhulandi) | — One day |
| 3. 1st May (Labour Day) | — One day |
| 4. Rakshabandhan | — One day |
| 5. Krishna Janmastmi | — One day |
| 6. 15th August (Independence Day) | — One day |
| 7. Dipawali | — One day |
| 8. 2nd October (Gandhi Jayanti) | — One day |
| 9. Dushehra | — One day |
| 10. Id or Local festival | — One day |

[No. L-29011/114/75-D.III.B]

S. N. JOHRI, Presiding Officer

10-12-1976.

S.O. 336—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras, in the industrial dispute between the employers in relations to the management of M/s. Dalmia Cements (Bharat) Ltd., Dalmiapuram, Trichy Distt. and their workmen, which was received by the Central Government on the 29th December, 1976.

BEFORE THIRU T. N. SINGARAVELU, B.A., B.L.
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
MADRAS

(Constituted by the Central Government)

Tuesday, the 7th day of December, 1976

Industrial Disputes Nos. 6 and 8 of 1976

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Dalmia Cements (Bharat) Limited, Dalmiapuram.)

BETWEEN

The workmen represented by The General Secretary, Dalmia Cement National Workers' Union, Dalmiapuram, Trichy District, Tamilnadu (in both disputes).

AND

The General Manager, Dalmia Cements (Bharat) Limited, Dalmiapuram, Trichy District, Tamilnadu (in both disputes).

REFERENCE :

Order No. L-29011/126/75/D. IIIB, dated 29-1-1976 of the Ministry of Labour, Government of India. (In I.D. No. 6 of 1976).

Order No. L-29011/137/75/D.III(B), dated 31-1-1976 of the Ministry of Labour, Government of India. (In I.D. No. 8 of 1976).

Theses disputes coming on for final hearing on Tuesday, the 9th day of November, 1976 upon perusing the references, claim and counter statements and all other material papers on record in both the disputes and upon hearing the arguments of Thiru I. M. Moineudeen, General Secretary of the Union (in both disputes) and of Thiru M. R. Narayanaswami, an Officer of the Employers Federation of India (in both disputes) appearing for the Management and having stood over till this day for consideration this Tribunal made the following common :

AWARD

These are two references for adjudication by the Government of India in its Order No. L-29011/126/75/D. IIIB, dated 29-1-1976 of the Ministry of Labour (I.D. No. 6/1976) and Order No. L-29011/137/75/D.III(B), dated 31-1-1976 of the Ministry of Labour (I.D. No. 8/1976) relating to disputes between the Management of Dalmia Cements (Bharat)

Limited, Dalmiapuram and their workmen. I.D. No. 6 of 1976 relates to the change of service conditions proposed by the Management in its notice under Section 9A of the Industrial Disputes Act, 1947 dated 18-6-1975. I.D. No. 8 of 1976 relates to the action taken by the Management in demoting twenty-six Gangmen from 'D' grade to 'E' grade and transferring them from the Limestone Mines to the Factory Time Office.

2. The issue in I.D. No. 6 of 1976 is as follows :

Whether the notice of change of service conditions proposed by the Dalmia Cements (Bharat) Limited, vide its notice dated 18-6-1975 issued under Section 9A of the Industrial Disputes Act, 1947 is justified ? If not, to what relief are the workmen entitled ?

3. The issue in I.D. No. 8 of 1976 runs as follows :

Whether the action of the management of Messrs Dalmia Cement (Bharat) Limited, Dalmiapuram, in demoting 26 Gangmen employed in their Limestone Mines from 'D' grade to 'E' grade and transferring them from the Limestone Mines to the Factory Time Office with effect from 6th December, 1975 is justified ? If not, to what relief are the said workmen entitled ?

I.D. No. 6 of 1976

4. The General Secretary of the Dalmia Cement National Workers' Union, Dalmiapuram has filed a claim statement as follows : The Dalmiapuram Cement Company has a locomotive narrow gauge Track Line from the Limestone Mines to the Factory at Dalmiapuram. For the maintenance of these lines and shifting of lines from one place to another, the Company has employed thirty Gangmen and four Maistries. The thirty Gangmen are semi-skilled workers employed in 'D' grade, while the four Maistries are skilled employees in 'C' grade. The thirty Gangmen were divided into four groups, eight each in two groups and seven each in two groups, and one Maistry in each group. Sunday was the weekly-off to all these workers throughout. Now, the Management has issued a Notice under Section 9A of the Industrial Disputes Act on 18-6-1975 notifying the change of weekly-off to other days by rotation. Under the proposed change, each group will be given a weekly-off on different days and this is sought to be given effect to from 9-7-1975. This proposed change will work hardship to the workers and it may result in increase of workload. The Union made representations to cancel the same, but the Management refused. The change is unjustified and should not be allowed.

5. The Management filed a counter denying the increase of workload and stated that the Management is justified in making the changes, since they are in accordance with law. The four groups of Gangmen are given different days of weekly-off and no prejudice is thereby caused to the workers who invariably get a weekly holiday. In fact, this was necessitated for administrative reasons, since the Unskilled Mine Workers in the Quarry were complaining about the delay in loading limestone on account of the delay in shifting the lines nearer to the workspot. The Gangmen are time-rated workers and only a reasonable quantum of work is expected of them. This change is proposed only to increase production and to avoid delay in movement of raw materials and in formation of trucks due to shifting of lines.

I.D. No. 8 of 1976

6. In this dispute, the contention of the Union is briefly as follows : The Management gave a notice under Section 9A on 18-6-1975 notifying the change of weekly-off of the Gangmen from Sundays to other days with effect from 9-7-1975. Weekly-off is a service condition and the Union objected to the proposed change and called upon the Management to cancel the notice. There was no response from the Management and the workers issued a strike notice and absented themselves from duty on Sundays. In return, the Management charge-sheeted the twenty-six Gangmen stating that they failed to report for duty on Sundays. A domestic enquiry was conducted by the Management and it was found that the Gangmen were guilty of misconduct and they were demoted from 'D' Grade to 'E' Grade. The

finding of the Enquiry Officer is perverse and the punishment is not at all warranted. The Management has also transferred these twenty-six Gangmen from the Mines to the Factory Time Office after demotion. This too has resulted in prejudice to the workers. The demotion is wholly illegal and the proposed change of weekly-off was never given effect. Therefore, the demotion as well as the transfer of the twenty-six Gangmen should be set aside.

7. The Management reiterated the contentions put forward by it in I.D. No. 6 of 1976 and it is unnecessary to restate them here. The Management contended that the absence of workmen on Sundays after the 9A Notice and consequent order amounts to misconduct to and that the absentees were rightly punished.

8. In both the disputes, the workmen are represented by Thiru I. M. Moinuddin, the General Secretary of the Union and the management by learned counsel Thiru M. R. Narayanaswami. Both the disputes are interconnected and common arguments were advanced in both. No oral evidence was let in on either side and both sides marked their respective documents and filed a joint memo that the documents filed in I.D. No. 8 of 1976 may be treated as documents in I.D. No. 6 of 1976 also. Therefore, a common Award is passed in respect of these two disputes by consent. In fact, both parties through their authorised representatives submitted before me at the time of arguments that both parties are willing for a honourable and an equitable Settlement and put forward their respective proposals before this Tribunal. The General Secretary of the Union urged that the action of the Management in demoting the twenty-six Gangmen was wholly unjustified and therefore he is very particular that the order of punishment should be set aside. Learned counsel for the Management submitted that the Management, as a matter of gesture and good-will, is ready to restore these twenty-six Gangmen to their original rank, but the Management insisted that a change in the weekly-off is absolutely necessary for quicker and easier movement of the lime-stones from the Quarry to the Factory. According to the Management, this rotational weekly-off for each of the four groups will relieve congestion on the track and facilitate quicker movement of the raw materials. It is in this background of a conciliatory attitude shown by both the parties, this Tribunal is passing the following award which in my opinion is fair and reasonable for both sides.

9. I shall first take up the dispute regarding the demotion and transfer of the twenty-six Gangmen formerly employed in the Lime Stone Mines. Now that the Management has no serious objection to reinstate these workmen, there is no difficulty in setting aside the punishment imposed on them for alleged disobedience of the office order relating to the weekly-off holidays. That apart, the circumstances leading to this dispute and the background in which the domestic enquiry was conducted for alleged disobedience of the office order do not warrant a drastic punishment of demotion if twenty-six Gangmen. As started already when the Management proposed a change in the weekly-off from Sunday to other days by rotation, the Union protested and continued to avail the Sunday weekly-off. In fact, even after the date of the office order changing the weekly-off with effect from 9-7-1975, the workers had their weekly-off only on Sundays from 13-7-1975 to the first week of December, when the workers were demoted. Further, the Union has raised a separate dispute with reference to the change of service condition under Section 9A and that is the subject matter of I.D. No. 6 of 1976. In these circumstances it cannot be said that the workmen are guilty of misconduct or wilful disobedience of the lawful orders of the Management. They wanted that the practice of Sunday weekly-off may continue and they did not want any change. There was no 'misconduct' as such, calling for a severe punishment of demotion in the rank. Further, the notice under Section 9A is only a proposal which was not given effect to at all, though it is purported to have come into effect from 9-7-1975. The evidence is that even after 9-7-1975, the Gangmen availed the weekly-off on Sundays and they worked on other week days and received full wages. The conditions of service do not stand changed either on the proposal made or on the notice given, but only from the last stage when the change is actually effected. The result of my discussion is that, taking an over-all picture of the facts and conciliatory mood in which both

parties are poised, I direct that the demotion of the twenty-six Gangmen from 'D' grade to 'E' grade be cancelled. However, learned counsel for Management contends that the workers who refused to work as per the office order cannot claim benefits for the days of their absence. As against this, the Union Secretary would argue that the workers are entitled to back wages from the date of the demotion i.e., 6-12-1975. In the peculiar circumstances of the case, the proper order to be passed is that neither party should be made to suffer in full and each has to bear the burden in part. Accordingly, I direct that the demoted twenty six workmen will get the back wages from 1-6-1976.

10. There is another aspect in this issue, namely the transfer which was consequent to the order of demotion. Now that the order of demotion is set aside, there is no need to deal with the question of transfer. Under the Standing Orders, the Management has got a discretion to transfer the employees from one section to another section in the same Unit. The only thing is it should not be mala fide or prejudicial to the workmen resulting in loss of emoluments. An award is passed in these terms in I.D. No. 8 of 1976.

I. D. No. 6 of 1976

11. Now, I take up the question relating to the change of weekly-off from Sundays to other convenient days. As pointed out earlier the General Secretary of the Union left the matter to the discretion of the Tribunal on this aspect. It is this question of staggering holidays that the Management is very particular of introducing for the purpose of quicker movement of raw materials to the Factory. I have carefully considered this aspect of staggering holidays and I am satisfied that the stand of the Management in changing the weekly-off days is bona fide and justified and it does not also result in any prejudice to the workmen involved. It is common ground that the Mines and the Quarry are situated at some distance from the Factory and the raw material have to be carried from the Mines to the Workshop through narrow gauge locomotive Track Lines. These tracks have to be shifted from time to time depending upon the place of operations of the Quarry. Under the original scheme, all the Gangmen took Sunday as a weekly-off and therefore there was heavy strain on the track-lines and the movement of goods resulting in delay at the loading side. According to the Management, the Unskilled Mine Workers in the Quarry who are responsible for loading of the lime stones frequently complained that Trucks and Tracks are not ready and that this results in delay and accumulation of work. Therefore, in order to have a quicker movement and also to have a breathing time for repairing the Track lines, the rotational weekly-off system is necessary and the transport of raw materials will be accelerated thereby. In fact, the change in the weekly-off days does not in any way affect the working conditions of the workers and it is also not prohibited by any statute or law. The Mines Act does not prohibit working on Sundays and if the exigencies of work so warrant, the Management can always change the day of rest of the workers for valid reasons.

12. Of course, the Union apprehends that this rotational weekly-off may result in increased workload. I am unable to appreciate this contention and the apprehension is not well founded. The Gangmen are time-rated workers and they are asked to do a particular work on the track lines within the limited hours of work. Further, there is nothing on record to show that any workload was fixed for them at any time. It is then stated in the claim statement that if the workmen are given rotational weekly-offs by groups, then they may not get overtime wages. This contention cannot be countenanced in law in an industrial adjudication. Over-time wages is not a service condition contemplated under any statute or law and they are paid only when workmen are asked to work more than the stipulated hours of work. It is well settled law that it is not the function of the industrial adjudication to fix working hours within an eye to enable the workmen to earn overtime wages—vide 1964—I—L.L.J.—page 12. The result is that the change in the weekly-off days by rotation is justified and it does not result in any prejudice to the

workers. An award is passed in these terms. Each party will bear his or its own costs in both the disputes.

Dated, this 7th day of December, 1976.

T. N. SINGHARAVELU, Presiding Officer

WITNESSES EXAMINED

For both sides : None.

DOCUMENTS MARKED

For workmen

- Ex. W-1/18-6-75—Notice under Section 9-A of the I.D. Act, 1947 given by the Management.
- Ex. W-2/25-6-75—Strike notice given by the Union.
- Ex. W-3/27-6-75—Letter from the Assistant Labour Commissioner (C) II, Madras about Ex. W-2.
- Ex. W-4/27-6-75—Conciliation letter from the Assistant Labour Commissioner (C) II, Madras to the parties.
- Ex. W-5/23-10-75—Conciliation failure report.
- Ex. W-6/5-11-75—Report from the Assistant Quarry Manager to the Agent (Mines) against the Gangmen.
- Ex. W-7/7-11-75—Charge sheet issued to Thiru Antoni. gangman.
- Ex. W-8/11-11-75—Explanation of Thiru A. Pappu to the charge sheet issued to him.
- Ex. W-9/5-12-75—Office order issued to the gangmen demoting them from 'D' grade to 'E' grade.
- Ex. W-10/6-12-75—Letter from the Union to the Management requesting to cancel the order in Ex. W-9.
- Ex. W-11/6-12-75—Letter from the Union to the Assistant Labour Commissioner, Madras to take up the matter for conciliation.
- Ex. W-12/8-12-75—Letter from the Union to the Management requesting to allow the gangmen to do usual work and pay wages for the days not allowed for work.
- Ex. W-13/10-1-75—Letter from the Union to the Management requesting to allow the Gangmen to duty and pay wages for the days not allowed to work.
- Ex. W-14/9-12-75—Letter from the Management to the Assistant Labour Commissioner (C), Madras-6 regarding the demotion of gangmen.
- Ex. W-15/13-12-75—Letter from the Union to the Management regarding transfer and demotion of gangmen.
- Ex. W-16/6-12-75—Letter from the Management to Thiru Mariasoosai requesting to report for duty.
- Ex. W-17/13-12-75—Reply letter from gangmen to Ex. W-16.
- Ex. W-18/11-12-75—Conciliation letter from the Assistant Labour Commissioner (C) I, Madras to the parties.
- Ex. W-19—Minutes of Meeting held on 15-12-75 with the Assistant Labour Commissioner (C)-I, Madras.
- Ex. W-20/16-12-75—Letter from the Union to the Management deciding to work at the Factory Time Office without prejudice and under protest.
- Ex. W-21/16-12-75—Letter signed by the workers stating to work at Factory Time Office under protest and without prejudice.
- Ex. W-22/17-12-75—Conciliation letter sent to the parties by the Assistant Labour Commissioner (C), Madras.
- Ex. W-23/24-12-75—Conciliation failure report.

- Ex. W-24/26-12-75—Letter from the Management to the workers requesting to return the declaration form duly signed and filled up by the workers.
- Ex. W-25/27-12-75—Reply letter from Thiru J. Arul-samy to Ex. W-24.
- Ex. W-26/6-1-76—Letter from the Union to the Management for payment of full wages to the workers.
- Ex. W-27/8-1-76—Charge sheet issued to the workers.
- Ex. W-28/9-1-76—Reply by Thiru P. Ponnusamy to Ex. W-27.
- Ex. W-29/4-2-76—Letter from the Enquiry Officer to the workmen requesting them to participate in the enquiry.
- Ex. W-30/5-2-76—Letter from the workers to the Enquiry Officer. in reply to Ex. W-29.
- Ex. W-31—Standing Orders.

For Management

- Ex. M-1/24-3-75—Notice requiring the gangmen and gangmates to avail their weekly-off on the days noted against them.
- Ex. M-2 series—Charge sheets issued to the gangmen. (9 Nos.)
- Ex. M-3 series—Explanations of the workers to Ex. M. 2 series. (9 Nos.)
- Ex. M-4/29-5-75—Agreement between parties.
- Ex. M-5/18-6-75—Similar to Ex. W-1.
- Ex. M-6/19-6-75—Letter from the Union to the Management opposing to Ex. M-5.
- Ex. M-7/25-6-75—Original of Ex. W-2.
- Ex. M-8/27-6-75—Copy of Ex. W-4.
- Ex. M-9/6-11-75—Similar to Ex. W-6.
- Ex. M-10/5-11-75—Same as Ex. W-6.
- Ex. M-11 series—Charge sheets issued to the Gangmen.
- Ex. M-12 series—Explanations of the workmen to Ex. M-11 series.
- Ex. M-13—Enquiry Proceedings.
- Ex. M-14/3-12-75—Findings of the Enquiry Officer.
- Ex. M-15/5-12-75—Copy of Ex. W-9.

T. N. SINGHARAVELU, Presiding Officer

Note : Parties are directed to take return of their document/s within six months from the date of the Award.

[No. L-29011/126/75-D III B]

V. VELAYUDHAN, Under Secy.

New Delhi, the 4th January, 1977

S.O. 337.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi in respect of a complaint under section 33A of the said Act filed by Shri Amar Singh, Chargeman Spl. G-II, Token No. 1359-O of Spillway Concerning Division, Pandoh, which was received by the Central Government on the 27th December, 1976.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL : DELHI

Compl. No. K.C.G.I.D. 24 of 1976

Complaint U/s. 33-A of the Industrial Disputes Act, 1947
Shri Amar Singh Chargeman G-II, Token No. 1359-O of Spillway Concerning Division.
Pandoh

.... Complainant.

VERSUS

Chief Engineer, B.S.L. Project, Sunder Nagar (H.P.).
Respondent.

APPEARANCE :

None for the management.
None for the workman.

AWARD

Shri Amar Singh has filed this complaint under Section 33-A of the I.D. Act, 1947 against his termination which he alleged was wrongful and by way of victimisation.

2. The case of the complaint was that his services were terminated by the management by its letter dated 16-9-76 in contravention of Section 33 of the I.D. Act, 1947 while I.D. No. 10 of 1976 was pending in which he was concerned, and express permission in writing of the Industrial Tribunal, in which the said dispute was pending, had not been taken. It was, prayed that the retrenchment notice/orders be stayed.

3. The case was called a number of times, but none appeared on behalf of the workman/union in spite of sufficient information. It seemed that the workman was no longer interested in this case. In view of this, I have no alternative but to pass a no dispute award which is passed accordingly.

[No. L. 420(1)/76-D.II(B)]

D. D. GUPTA, Presiding Officer

New Delhi, the 5th January, 1977

S.O. 338.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relations to the management of Indian Airlines and their workmen, which was received by the Central Government on the 31st December, 1976.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 7 of 1976

PARTIES :

Employers in relation to the management of Indian Airlines,

AND

Their workmen.

APPEARANCE :

On behalf of Employers.—Shri P. N. Chunder, Advocate, with Shri M. K. Bose, Advocate.

On behalf of Workmen.—Shri D. L. Sen Gupta, Senior Advocate, with Shri H. L. Roy, Advocate.

State . West Bengal

Industry . Airlines

AWARD

By Order No. L-11012(12)/75-D.II/B dated 27th January, 1976, the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers in relation to the management of Indian Airlines and their workmen, to this Tribunal, for adjudication. The reference reads :

“Whether the management of the Indian Airlines, Calcutta are justified in removing Shri Y. N. Chaturvedi, Security Superintendent, Dum Dum Air Port from service with effect from the 14th December, 1974? If not, to what relief is the workman entitled?”

2. After filing of the written statements by both the parties the main question that came up for decision in the reference in the first instance was as to whether the domestic enquiry conducted by the management against the workman was vitiated either by failure to follow the principles of natural justice provisions of any Statutes, or Rules or by such other circumstances which made the enquiry invalid or illegal. A finding was recorded on that issue on 3-9-1976 that the domestic enquiry conducted against the workman was not vitiated by any illegality or invalidity much less it

was vitiated on account of either to follow any principle of natural justice or provision of any Statute or law as well as the provisions of the Standing Orders. Having found that the domestic enquiry was not in any manner vitiated by any flaw, it is incumbent upon the Tribunal to take up the next step in the matter of disciplinary proceedings against the workman and to see whether the misconduct alleged against him has been proved and if so, what, if any, is the punishment to be imposed on the workman concerned. And, also to see whether any lesser punishment would meet the ends of justice taking into account the facts and circumstances of the particular case.

3. It is material in this connection to point out that the Tribunal must be satisfied in the first instance about the guilt or otherwise of the workman before the punishment is to be imposed on him. In that regard the Tribunal has to consider the evidence on record and come to a conclusion in one way or the other. It is open to the Tribunal in suitable cases to differ from the finding of the enquiry officer and to hold that the misconduct has not been proved. On account of Section 11A of the Industrial Disputes Act, 1947, the Industrial Tribunal can hold that the proved misconduct does not merit the punishment by way of removal, discharge or dismissal and in such cases the Tribunal can award any lesser punishment instead. It is on the basis of Section 11A that the Tribunal can exercise its jurisdiction to interfere with the punishment and alter the same taking into account the severity or otherwise of the punishment. The Supreme Court had pronounced judgements on the scope and application of Sec. 11A in several cases. Reference in this regard may be made to the decision of the Supreme Court reported in the Workmen of Firestone Tyre & Rubber Company of India (Pvt.) Limited v the Management and others, AIR 1973 SC 1227 (1973 1 LLJ, 278). For the purpose of understanding the scope of Section 11A effectively I reproduce two paragraphs of the said judgment which read as follows :

“The expression “materials on record” occurring in the proviso, in our opinion, cannot be confined only to the materials which were available at the domestic enquiry. On the other hand, the “materials on record” in the proviso must be held to refer to materials on record before the Tribunal.

They take in :

- (1) the evidence taken by the management at the enquiry and the proceedings of the enquiry, or
- (2) the above evidence, and in addition any further evidence led before the Tribunal, or
- (3) evidence placed before the Tribunal for the first time in support of the action taken by an employer as well as the evidence adduced by the workmen contra.

The above items by and large should be considered to be the “materials on record” as specified in the proviso. We are not inclined to limit that expression as meaning only that material that has been placed in a domestic enquiry. The proviso only confines the Tribunal to the materials on record before it as specified above, when considering the justification or otherwise of the order of discharge or dismissal. It is only on the basis of those materials that the Tribunal is obliged to consider whether the misconduct is proved and the further question whether the proved misconduct justifies the punishment of dismissal or discharge. It also prohibits the Tribunal from taking any fresh evidence either for satisfying itself regarding the misconduct or for altering the punishment. From the proviso it is not certainly possible to come to the conclusion that when once it is held that an enquiry has not been held or is found to be defective, an order reinstating the workman will have to be made by the Tribunal. Nor does it follow that the proviso deprives an employer of his right to adduce evidence for the first time before the Tribunal. The expression “fresh evidence” has to be read in the context in which it appears namely, as distinguished from the expression “materials on record”. If so read, the proviso does not present any difficult at all.

47. The Legislature in S. 11A has made a departure in certain respects in the law as laid down by this Court. For the first time, power has been given to a Tribunal to satisfy itself whether misconduct is proved. This is particularly so, as already pointed out by us, regarding even findings arrived at by an employer in an enquiry properly held. The Tribunal has also been given power, also for the first time, to interfere with the punishment imposed by an employer. When such wide powers have been now conferred on Tribunals, the Legislature obviously felt that some restrictions have to be imposed regarding what matters could be taken into account. Such restrictions are found in the proviso. The proviso emphasises that the Tribunal has to satisfy itself one way or other regarding misconduct, the punishment and the relief to be granted to workmen only on the basis of the "materials on record" before it. What those materials comprise of have been mentioned earlier. The Tribunal for the purposes referred to above, cannot call for further or fresh evidence, as an appellate authority may normally do under a particular statute, when considering the correctness or otherwise of an order passed by a subordinate body. The "matter" in the proviso refers to the order of discharge or dismissal that is being considered by the Tribunal."

4. On the basis of the above pronouncement I shall first of all deal with the workman's contention as to whether the misconduct alleged against him has been proved during the domestic enquiry. The charge to be proved against the workman are charge nos. 1 and 3. The other charges had been dropped out. These charges have already been reproduced in my earlier Order dated 3-9-1976. Charge no. 1 relates to the tampering with the attendance register, Ext. M-12, for the month of November, 1973. Charge no. 3 relates to a false certificate, Ext. M-13 dated 13-12-73, alleged to have been obtained by the instant workman from the Administrative Manager, Indian Airlines, Mr. Chitnis on a false representation that the workman attended Airlines office on duty on 25th November, 1973. The enquiry officer in his enquiry report, Ext. M-35, gave the finding in respect of charge no. 1 as follows :

"Charge-1 : Shri Y. N. Chaturvedi pleaded guilty to the charge vide Page-1 of proceedings of enquiry dt. 17-4-74. The Attendance Register for the month of November '73 was examined by me. It was observed that against the column provided for 25-11-73 there was entry of S/L originally, which however, was cut/super imposed by Sri Y. N. Chaturvedi. He, thereafter, wrote in the "time in" column "0900" twice and put his signature. Similarly he wrote in the "time out" column "1800" and put his signature. Being questioned by E.O. Sri Chaturvedi after inspection of the Attendance Register for November '73 identified that the same was the Attendance Register in original for November '73 vide Page 5 of proceedings of enquiry dt. 18-6-74.

He further stated that signatures in the "time in" and "time out" column provided for 25-11-73 in the Attendance Register were his signatures and he himself cut/superimposed the entry 'S/L' in the column provided for 25-11-73 vide Page-5 and 6 of the proceedings of enquiry dt. 18-6-74. Shri Y. N. Chaturvedi further stated on being questioned by E.O. that he was away from Calcutta before 25-11-73 and arrived Calcutta in the evening of 25-11-73 by Air vide Page-8 of the proceedings dt. 26-6-74. Sri I. Parashar, Sr. S. O., in his deposition, vide page 5 & 6 of the proceedings dt. 18-6-74 stated that Sri Y. N. Chaturvedi had deliberately and knowingly marked himself present for 25-11-73 although he himself earlier wrote 'S/L' as he was in a position to produce a certificate of attendance from Shri R. Y. Chitnis, Asstt. Admin. Manager, Calcutta for 25-11-73. On 14-12-73, Sri Chaturvedi marked his attendance register and marked himself present for 25-11-73.

In view of the above and also in view of the admission of Sri Y. N. Chaturvedi, I find Shri Y. N. Chaturvedi guilty of misconduct in respect of Charge-1."

In respect of charge no. 3 a similar finding was recorded by the Enquiry Officer at pages 5 and 6 of Ext. M-35, the last paragraph of which is reproduced below :

"After a careful study of the proceedings and other evidences I do not accept the defence story that the mentioning of 25-11-73 in the certificate was a 'mistake' on the part of Shri Y. N. Chaturvedi. The evidence relating to Charge-1 and Charge-3 establish beyond doubt that Shri Y. N. Chaturvedi (a) deliberately any knowingly planned the attendance certificate, (b) took advantage of lock-out situation prevailing during November and December, 1973 and good-faith of Shri R. Y. Chitnis who was not aware of day-to-day movements of Shri Chaturvedi and thereby induced him to issue the certificate, (c) played deliberate mischief with Shri I. Parashar, Sr. S. O. and Shri R. Y. Chitnis, Asstt. Admin. Manager by fraudulently obtaining the certificate of attendance with a view to apparently save 1 day's leave. This could perhaps be the most heinous mischief and lapse deliberately committed by a senior staff in the rank of Security Superintendent ostensibly responsible for looking after the security of the Corporation. I find Shri Y. N. Chaturvedi guilty of misconduct in respect of Charge-3".

5. The enquiry officer came to the above conclusion on the basis of the evidence of Mr. Chitnis, Asstt. Administrative manager and Mr. Parashar, the Senior Security Officer. Their evidence was considered by the Enquiry Officer along with other circumstances including documentary evidence.

6. It is apparent from the evidence on record that Shri Chaturvedi, the workman was on casual leave from 22nd November, 1973 to 24th November, 1973. He should have reported for duty at Dum Dum Air port, Calcutta on the morning of 25-11-73. But since he was away in Bombay during the period of his casual leave, he could not reach Calcutta in time to resume his duty on 25-11-73. He reached Calcutta only at 9 p.m. of 25-11-73 when he contacted Sri Parashar, Sr. Security Officer asking his direction as to which place he should join for duty. Sri Parashar who was the second witness during the domestic enquiry told him that he should report for duty at the Airlines office on the morning of 26-11-73. Accordingly Chaturvedi reported for duty on 26-11-73 at the Airlines office and continued to work there till 6-12-73. Sri Chaturvedi was on duty before he went on leave at the Dum Dum Airport and his attendance was recorded in the aerodrome office. Ext. M-12 was the attendance register maintained in that office. Upto 21-11-73 Chaturvedi had affixed his signature on the respective dates showing his attendance at the aerodrome office in Ext. M-12 register. The workman being on casual leave from 21-11-73 to 24-11-73 the column for those dates were not filled up in Ext. M-12. Ordinarily there should not have been any entry in Ext. M-12 from 26-11-1973 to 31-12-1973 since on those days he worked in the airline office and much less on 25-11-73 when he was out of station. On 13-12-73, however, Chaturvedi approached Sri Chitnis with a certificate like Ext. M-13 and he wanted Sri Chitnis to affix his signature on the certificate. The certificate reads as follows :

"This is to certify that Shri Y. N. Chaturvedi, Security Supdt. worked continuously from 25th November, 1973 to 6th Dec., 73 at air lines house from 8 A.M. to 6 P.M. His attendance may be regularised accordingly."

This certificate is required to regularise his attendance at the aerodrome where he was permanently posted for duty. Having obtained the certificate Chaturvedi went to the airport and stealthily got at Ext. M-12 register and wrote in the first instance as against 25-11-73 the words "S/L" (sick leave). Then it was scored off and incoming hour was shown as "0900" and "out-going" hour was given as "1800" in the second column affixing his signature to give an impression that he attended the aerodrome office on 25-11-73 between 9 A.M. and 6 P.M. in the remarks column it was also written. "at Airlines House as per verbal instruction of Sr. S. O. Certificate from Administrative Manager is enclosed". After making entry in Ext. M-12 which is marked as Ext. M-12(a) Sri Chaturvedi handed over Ext. M-13 certificate to Sri Parashar at about 12 noon on 14-12-73. Evidently the entry as per Ext. M-12(a) would have been made before

Ext. M-13 was handed over by Chaturvedi to Parashar. The case of the management is that Sri Chaturvedi made the entry as per Ext. M-12(a) as well as obtained Ext. M-13 certificate from Chitnis as an act of fraud dishonestly committed at his instance against the management. The question for consideration is whether the misconduct as alleged had been proved against the workman concerned in this reference.

7. It is relevant to point out that acts of dishonesty or fraud constitute misconduct of serious nature which ordinarily expose an industrial employee to a maximum punishment. The word "Dishonesty" is defined in the Indian Penal Code as, "whoever does anything with intention of wrongful gain to one person or wrongful loss to another person is said to do that thing dishonestly". Fraud is defined in the same Code as "A person is said to do a thing fraudulently if he does that thing with an intention to defraud but not otherwise". Dishonesty requires an intention to cause wrongful loss or wrongful gain of property but it does not require deception or concealment as a constituent element. On the other hand fraud does not require an intention as there can be fraud even where there is no intention to cause pecuniary loss or damage to the person deceived. The fraud, however, does not require concealment or deception. The element of deception is an essential ingredient of fraud and it is not necessary for dishonesty. In case of *Dr. Vimla v Delhi Administration*, A.I.R. 1963 S.C. 1572, a comment is given on the expression "fraud" which read as follows :—

".....the expression 'defraud' involves two elements, namely, deceit and injury to the person deceived. Injury is something other than economic loss, i.e. deprivation of property, whether movable or immovable, or of money and it will include any harm whatever caused to any person in body, mind, reputation or such others. In short, it is a non-economic or non-pecuniary loss. A benefit or advantage to the deceiver will almost always cause loss or detriment to the deceived. Even in those rare cases where there is a benefit or advantage to the deceiver, but no corresponding loss to the deceived, the second condition is satisfied."

8. Dishonesty by lying orally is as much a misconduct as making any record or document which intentionally makes a false statement. For instance, the case of making false entries in the official records, certifying receipt of more than what has, in fact, been received or certifying receipt of goods which never were received at all, will constitute acts of dishonesty or fraud. To forge or present a forged document, therefore, would also fall in this category of misconduct. For instance, making an alteration or change in a document or paper so that it no longer reflects the truth, will constitute an act of fraud or dishonesty. Likewise, malingering i.e. obtaining leave on false pretence of being ill, will constitute misconduct. Any other fraud, such as attempt to obtain wages for work done by others or wages for the period for which the employee did not work at all would constitute misconduct under this head. Likewise obtaining money through false book entries, a false travelling allowance report, a wage taken for a fictitious worker or a receipt in the name of a fictitious person would constitute fraudulent acts warranting disciplinary action of dismissal against the workman.

9. On an analysis of the law on the question in the light of the above observation, it is apparent from the evidence on record of this case that Sri Chaturvedi had manipulated Ext. M-12(a) entry to his advantage by affixing his signature on 25-11-73 in the attendance register indicating that he was on duty on 25-11-73 between 9 a.m. and 6 p.m., when even according to his own admission he was in Bombay during that period. He had arrived Calcutta only when he reported to Parashar by phone at 9 p.m. on 25-11-73 that he had arrived back from Bombay and that he was prepared to join duty. He had only attended Airlines office on duty with effect from 26-11-73. It is a fact that Sri Chaturvedi never attended office at the Airport much less in the Airlines office on 25-11-73. So, Chaturvedi had made a false entry in Ext. M-12 attendance register. It may be asked what advantage he would have got by making such an entry? First of all, it is in evidence that he had no casual leave to his credit on the date in question, though he had other leaves which he could have availed of. It is also relevant to point out that the

Airlines employees were locked out with effect from 24-11-73, but the personnel of the Security department were not in the list of locked out employees. Sri Chaturvedi thought it fit to mark his attendance on 25-11-73 with a view to give a good impression to the management that he worked even on 25-11-73 in spite of the fact that there had been lockout since 24-11-73. Large number of employees appeared to have been on strike earlier. So, it is quite possible and also it is legitimate to infer from the conduct of the workman and other circumstances of the case that he would have made a false entry on 25-11-73 in Ext. M-12 with a view to give an impression that he had worked even on 25-11-73 in spite of the lockout. Any way, Chaturvedi had meddled with the Attendance register to his advantage and that it was a false entry could not be disputed. He was able to make a false entry in the attendance register on the basis of a certificate, Ext. M-13 which he had obtained from Chitnis, Asstt. Administrative Manager. Ext. M-13 was in the hand-writing of Chaturvedi himself. He gave the impression to Chitnis that he attended office on 25-11-73. Sri Chitnis when he was examined state as follow: "Yes, by misrepresenting the fact he fraudulently obtained a certificate from me taking opportunity of the opportune moment when I was awfully busy with other important assignments given to me at the time of lockout by the Regional Director and the Admin. Manager." To another question, "Are you aware that Mr. Chaturvedi has been charge-sheeted by the Admin. Manager for fraudulent representation and inducing you to give a certificate as stated above", he replied, "Yes". Sri Chaturvedi stated before the Enquiry officer that Ext. M-13 was in his own handwriting. When charge no. 1 was read over and explained to him during the enquiry he stated in answer, "I plead guilty to the charge". The charge was also sought to be proved through S/s. Parashar and Chitnis. Sri Parashar gave evidence as to how Chaturvedi made false entry in Ext. M-12 register. Sri Chitnis gave evidence as to how Chaturvedi falsely represented to him that he attended Airlines office on 25-11-73. So, the charge nos. 1 and 3 had been proved beyond any shadow of doubt. It is also established that Chaturvedi's conduct was fraudulent so far as the false entry made in the attendance register Ext. M-12(a) and dishonest so far as to the manipulation of Ext. M-13 certificate.

10. It has been argued on behalf of the workman Chaturvedi that he pointed out the mistake in the first instance to the management and then only the knew about the manipulation made in the register as well as the false representation and taking of Ext. M-13 certificate from Chitnis. There is no evidence on record specifically to show that Sri Chaturvedi pointed out the mistake on phone on 14-12-73 itself to Chitnis. Reliance however was placed on a question and answer which appeared in the deposition of Chitnis on 17-4-73. The question was, "Could you recollect that after having obtained the certificate of my attendance following day I informed you about the mistake and consequently gave you a written letter addressed to the Sr. Security officer and copy to to yourself to kindly rectify mistake? Ans.—Yes, such letter was given to me by you after explaining to me on telephone that you made me certify your presence on 25-11-73 as a mistake on your part". There is nothing in that answer to indicate that Chitnis was informed on 14-12-73 that he made a mistake in taking Ext. M-13 certificate and passing it on to Parashar on 14-12-73. It is in evidence that Sri Chaturvedi wrote to Chitnis about the alleged mistake only on 20-12-73. Chaturvedi could not produce any other document to show that at any time before 20-12-73 he informed Chitnis about the mistake he had committed either in taking Ext. M-13 certificate or in making an entry in the attendance register. In the light of letter dated 20-12-73 one is inclined to hold that Chaturvedi would have informed Chitnis only when he talked to him on phone the day previous to his sending a letter. In the absence of clear evidence, it is difficult to hold that Chaturvedi himself found out the mistake and reported the same to the management. It is clear from the proceedings and large volume of correspondence that passed between the parties that no where Chaturvedi had accepted that he committed a mistake in taking false certificate or making a false entry in the attendance register.

11. In paragraph 3 of Ext. M-39 dated 15th November, 1974 in answer to the show-cause notice why Chaturvedi shall not be removed from service, it was, however, stated

by him as follows :

"Being telephonically transferred at Airlines House and again to Central Garage I could not go to Dum Dum for about 20 days. The entries thus made by me in the Attendance register and the certificate I got from Shri R. Y. Chytnis were deliberate in the sense that due to lapse of time, I confused the dates particularly so as no mark for absence/leave was put by office in the register during this span of 20 days. This was genuine (page 2) mistake which on recollection I myself pointed out in my communications both oral and in writing, admittedly received, long before the allegations were made known to me. This establishes my bonafide and good conduct. Certainly it was lawful on my part to point out my genuine mistake for rectification."

This paragraph was an indication that he made the alteration in the attendance register as well as got the false certificate more or less deliberately. His change of mind after committing the offence will not in any manner reduce the severity of the misconduct. An officer of the position of Superintendent of Security was expected to maintain high standard of conduct and character. There are no mitigating circumstances to reduce the sentence of removal from service. The removal from service will not in any manner affect his emoluments by way of gratuity, provident fund, arrears of salary, etc., since the order was not dismissal from service. So, I do not think in such circumstances of the case there is any justification for me to reduce the sentence of removal from service which is the punishment the management had chosen to impose upon the workman, Shri Chaturvedi.

12. In the result, I find that removal of Sri Chaturvedi from service with effect from 14th December, 1974 is justified and an Award is passed accordingly.

Dated, Calcutta,

The 23rd December, 1976.

E. K. MOIDU, Presiding Officer
[No. L-11012(12)/75-D. II(B)]

HARBANS BAHADUR, Desk Officer

नई दिल्ली, 4 जनवरी, 1977

क्रा० आ० 339.—केन्द्रिय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 3590 तारीख 8 नवम्बर, 1965 को अधिष्ठात करते हुए, निम्नलिखित अधिकारियों को मुख्य खान निरीक्षक के अधीनस्थ खान निरीक्षक नियुक्त करती है, अर्थात्:—

1. श्री ए० अर० नायडू, कल्याण आयुक्त, श्रेणी 1
अभ्रक खान श्रम कल्याण संगठन, (आ० प्र०)
कालीचेडू
2. श्री वार्डे० वी० सुब्बारायैया, श्री० ए० श्रेणी 2
कल्याण प्रणामक, अभ्रक खान श्रम
कल्याण संगठन (आ० प्र०) कालीचेडू
3. कुमारी डी० विजयलक्ष्मी रेड्डी श्री० ए० श्रेणी 3
सहायक कल्याण प्रणामक, अभ्रक खान
श्रम कल्याण संगठन (आ० प्र०) कालीचेडू
4. श्री एम० ए० गुमान, श्री० ए० कनिष्ठ श्रेणी 3
सहायक कल्याण निरीक्षक, अभ्रक खान
श्रम कल्याण संगठन (आ० प्र०) कालीचेडू

[क्रा० सं० ए० 11016/4/76/एम (iii)]

सी० आर० निम, अवर सचिव

New Delhi, the 4th January, 1977

S.O. 339.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952) and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3590 dated the 8th November, 1965, the Central Government hereby appoints the following officers to be Inspectors of Mines subordinate to the Chief Inspector of Mines, namely:—

1. Shri A. R. Naidu, Class-I
Welfare Commissioner,
Mica Mines Labour Welfare Organisation,
A. P. Kalichedu.
2. Shri Y. V. Subramaniah, B.A., Class-II
Welfare Administrator,
Mica Mines Labour Welfare Organisation,
Andhra Pradesh, Kalichedu.
3. Kumari D. Vijayalakshmi Reddy, B.A., Class-III
Asstt. Welfare Administrator,
Mica Mines Labour Welfare Organisation,
Andhra Pradesh, Kalichedu.
4. Shri M. A. Subhan, B.A., Class-III
Junior Assistant Welfare Inspector,
Mica Mines Labour Welfare Organisation,
Andhra Pradesh, Kalichedu.

[F. No A-11016/4/76-MII]

C. R. NIM. Under Secy.

New Delhi, the 11th January, 1977

S.O. 340.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur in the industrial dispute between the employers in relation to the management of the Central Bank of India, Jaipur and their workmen, which was received by the Central Government on the 6-1-1977.

CENTRAL INDUSTRIAL TRIBUNAL, JAIPUR

Central Industrial Reference No. 8 of 1976

Ref :— Government of India, Ministry of Labour, New Delhi, No. L-12012/160/75/DII(A) Dated 25-3-1976.

In the matter of Industrial Dispute,

BETWEEN

The Management of Central Bank of India through their Deputy Zonal Manager, S. C. Road, Jaipur.

AND

Their Workmen represented by Rajasthan Central Bank Employees Union, (affiliated to All India Central Bank Staff Federation, I.N.B.E.C. and I.N.T.U.C.) C/o Central Bank of India, Sansar Chandra Road, Jaipur.

APPARANCES :

Shri B. C. Chaturvedi—for the Union.
Shri D. N. Sharma—for the Management.
Date of Award—24-12-1976.

AWARD

By its notification dated March 25, 1976, the Central Government has referred the following dispute to this Tribunal for adjudication.

Whether the action of the Central Bank of India in proposing transfer of Shri M. L. Khandelwal to Kota on promotion to the post of Chief Cashier

in the officers cadre, when there were vacancies of Chief Cashier in other branches at Jaipur itself, is justified? If not to what relief is the said workmen entitled?

During the pendency of the reference, the parties arrived at a mutual settlement and submitted a joint application on 15-12-1976 stating therein that due to the mutual settlement of the dispute between the parties, they do not want to proceed with the case. It was requested that the proceeding be dropped and a "no dispute" award be passed.

In view of the mutual settlement of the dispute between the parties, a "no dispute" award is passed.

The reference is answered accordingly. The award be submitted to the Central Government for publication, as required under the law.

[F. No. I-12012/160/75-D.II.A.]

S. S. BYAS, Presiding Officer

S.O. 341.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the management of the Punjab National Bank, Lucknow and their workmen, which was received by the Central Government on the 5-1-1977.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL DELHI

C.G.I.D. No. 33 of 1976

BETWEEN

The Regional Manager, Punjab National Bank, Lucknow
Region, Lucknow.

AND

Its workmen as represented by Punjab National Bank Employees Union (UP) 19, Garbarjhala, Aminabad Lucknow.

PRESENT :

Shri A. K. Jety with Shri R. N. Roy—for the management.

Shri O. P. Gupta, General Secretary—for the union/
workman.

AWARD

The Central Government on being satisfied that an industrial dispute existed between the aforesaid parties has referred the same for adjudication to this Tribunal by its Order No. L. 12012/132/14-LR/III dated the 23rd April, 1975 with the following terms of references :—

"Whether the action of the management of the Punjab National Bank, Hazratganj Branch, Lucknow in debarring Sarvashri O. P. Nigam and I. D. Suri, Special Assistants from officiating chances in the higher cadre with effect from the 5th February, 1974 and again with effect from the 23rd September, 1974 in the case of both of them is justified? If not, to what relief are they entitled?"

2. When the case came up today for hearing before me, a memorandum of settlement was jointly filed by Shri A. K. Jety with Shri R. N. Roy on behalf of the management and by Shri O. P. Gupta on behalf of the workmen/union. Both the above named representatives of the parties verify and admit the terms of settlement annexure 'A' and seek an award in terms thereof. I, therefore, pass an award in terms of settlement Annexure 'A' which shall form a part of the award.

4th December, 1976.

D. D. GUPTA, Presiding Officer
[F. No. I-12012/132/74-T.R. III/D, II. A.]

ANNEXURE 'A'

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, KANPUR

Ref. No. 1283 (I) U(III) 3/75

AND

Ref. No. 1007(I)/U(III)/2/75

In the matter of Industrial Disputes,

BETWEEN

The Regional Manager Punjab National Bank, Lucknow
Region, Lucknow

AND

Its workmen as represented by Punjab National Bank Employees Union (UP) 19, Garbarjhala.
Aminabad Lucknow. .. Workmen.

1. The following disputes have been referred for adjudication to this Hon'ble Court/Tribunal :—

"Whether the action of the Management of PNB :—

(a) in denying overtime to its employees for working on 29th October, 1973 being 'Id' is justified? If not, to what relief are the said workmen entitled?"

(b) "Whether the action of the Management of PNB, Hazratganj, Lucknow in debarring S/Shri O. P. Nigam and I. D. Suri, Special Asstt. from officiating chances in the higher cadre w.e.f. 5-2-1974 and again with effect from 23rd September, 1974 in the case of both of them is justified? If not, to what relief are they entitled?"

2 Both the parties to the disputes have filed their written statements in these cases before this Hon'ble Tribunal.

3. That without going into the merits of the stand of the parties taken in their written statements, the disputes in question have been discussed mutually and it has been agreed to compromise the same on the following terms and conditions.

(i) It is agreed that the bank shall pay overtime to the members of workmen staff working at Branch Office, Moradabad for the period they have worked on 29-10-1973 and if it is evidenced from bank record. Overtime shall be paid to those members of the staff to whom it is admissible under the provisions of the Bipartite settlement.

(ii) The PNB Employees Union (UP) agrees to withdraw the second dispute relating to officiating chances to S/Shri O. P. Nigam and I. D. Suri.

It is prayed that awards be passed accordingly in the above disputes.

For Punjab National Bank
Sd/-
Chief Personnel

For Punjab National Bank
Employees Union (UP)

(O. P. Gupta)
General Secretary.

S.O. 342.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the management of the Central Bank of India, Chandigarh and their workmen, which was received by the Central Government on the 5-1-1977.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL DELHI

C.G.I.D. No. 50 of 1976

BETWEEN

The management of M/s. Central Bank of India.
AND

Its workmen as represented by the Central Bank of India
Employees Union, Haryana.

PRESENT :

Shri H. L. Chhiber—for the management.

Shri Tara Chand—for the workman.

AWARD

The Central Government on being satisfied that an industrial dispute existed between the aforesaid parties has referred the same for adjudication to this Tribunal by its Order No. L. 12012/96/72/LRIII dated the 5th September, 1974 with the following terms of reference :—

"Whether the action of the management of Central Bank of India, Chandigarh in terminating the services of Shri Satish Lal Chopra, Clerk-cum-Godown Keeper, Mandi Road, Jullundur City Branch of the Bank with effect from the 29th April, 1972 is justified ? If not, to what relief is he entitled ?

2. When the case came up today for hearing before me, a memorandum of settlement was jointly filed by Shri Tara Chand on behalf of the workman and by Shri H. L. Chhiber on behalf of the management. Both the above-named representatives of the parties verify and admit the terms of settlement Annexure 'A' and seek an award in terms thereof. I, therefore, pass an award in terms of settlement Annexure 'A' which shall form a part of the award.

4th December, 1976

D. D. GUPTA, Presiding Officer.
[F. No. L-12012/96/72-LR. III/D. II. A]

BEFORE THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, DELHI

Reference No. C.G.I.D. 50 of 1976
(Chandigarh Tribunal No. 3/C of 1974)

Between the management of Central Bank of India
and its workmen as represented by Central Bank
of India Employees Union (Haryana).

Respectfully sheweth :

(1) That the following matter is pending before this Hon'ble Tribunal for adjudication under section 10 of the Industrial Disputes Act :—

"Whether the action of the Management of the Central Bank of India Chandigarh in terminating the services of Shri Satish Lal Chopra, Clerk-cum-Godown Keeper, Mandi Road Jullundur City Branch of the Bank w.e.f. 29th April, 1972 is justified ? If not, to what relief is he entitled ?"

(2) That the parties to the dispute have entered into Settlement regarding the matter under reference on the terms and conditions annexed hereto.

(3) That the parties to the dispute are presenting this petition jointly with a prayer that award may be given in terms and conditions of the Settlement.

It is, therefore, prayed that the Reference may be disposed of by giving award in terms of Settlement arrived at between the parties.

| | |
|-----------------------|----------------------------|
| Sd/- illegible | For Central Bank of India. |
| For Central Bank of | Sd/- illegible |
| India Employees Union | (2) Asstt. Zonal |
| (Haryana) | Manager |
| Sd. illegible | |
| (1) Authorised | (Personnel) |
| representative | |

Joint. Secretary & Secretary.

All India Central Bank Staff Federation

Dated : 2-12-1976.

BEFORE THE PRESIDING OFFICER INDUSTRIAL
TRIBUNAL DELHI

Reference No. C.G.I.D. 50 of 1976

(Chandigarh Tribunal No. 3/C of 1974)

Between the management of Central Bank of India and
its workmen as represented by the Central Bank of
India Employees Union, Haryana.

MEMORANDUM OF SETTLEMENT

Whereas the Central Government has referred industrial dispute for adjudication under section 10 of the Industrial Disputes Act; the matter in dispute is in the following terms :—

"Whether the action of the management of the Central Bank of India Chandigarh in terminating the services of Shri Satish Lal Chopra, Clerk-cum-Godown Keeper Mandi Road Jullundur City Branch of the Bank w.e.f. 29th April, 1972 is justified ? If not, to what relief is he entitled ?

Whereas the parties to the dispute have arrived at settlement regarding the subject matter of dispute on the following terms and conditions :—

- (1) Mr. Satish Lal Chopra and the Central Bank of India Employees Union (Haryana) agree to withdraw the dispute from adjudication and agree never to raise the same again in any form.
- (2) The management agrees to appoint Mr. Satish Lal Chopra as a fresh hand in the service of the Bank to the post of Clerk-cum-Godown Keeper.
- (3) Shri Satish Lal Chopra and Central Bank of India Employees Union (Haryana) accept the offered appointment to Shri Satish Lal Chopra as a fresh hand in the Service of the Bank and abandon all other claims such as seniority, back wages and benefit of continuity of service.
- (4) It is agreed that before joining as a fresh hand in the service of the Bank, Mr. Satish Lal Chopra shall give a written undertaking that this matter will never be raised again and that Shri Satish Lal Chopra will raise no other claim regarding seniority, back wages or any other benefit including claim for continuity of service.

The dispute referred for adjudication stands finally resolved and no claim other than referred to in the terms and conditions of settlement remains to be resolved.

| | |
|---------------------------|---------------------------|
| Sd/- illegible | For Central Bank of India |
| For Central Bank of India | Sd/- illegible |
| Employees Union (Haryana) | (1) Authorised |
| Sd/- illegible | representative |
| Joint Secretary, | Sd/- illegible |
| All India Central Bank | (2) Asstt. Zonal Manager |
| Staff Federation. | (Personnel) |
| Dated : 2-12-1976. | |

S.O. 343.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of the United Commercial Bank, Sehore and their workmen, which was received by the Central Government on the 4-1-77.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)**

Case No. CGIT/LC(R)(1)/1975

PARTIES :

Employers in relation to the management of the United Commercial Bank, Malviyanagar, Bhopal and their workman represented through the Madhya Pradesh Karamchari Sangh, 30 Bakshi Gali, Indore (M.P.)

APPEARANCES :

For employers.—Shri C. L. Kotecha, Advocate.

For workman.—Shri M. L. Sabharwal, General Secretary of the Union.

INDUSTRY : Bank **DISTRICT :** Bhopal (M.P.)

AWARD

Bhopal the 31st December, 1976

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-12012/77/74/LRIII dated 31-12-1974 in the following terms :

“Whether in view of the duties performed by Mangilal Rathore, Peon, Sehore Branch of United Commercial Bank, his claim for the Payment of Daftari allowance for the period from the 29th September, 1968 to the 28th May, 1971 is justified ? If so, to what relief is the workman entitled and from what date ?”

2. It is not disputed that when in July 1968 a branch of the bank was opened at Sehore Mangilal peon at Obedullaganj branch was transferred as peon to that branch at Sehore. There was no post of Daftari at that station. One such post was created on in May 1971 and from 29-5-1971 Mangilal was granted special allowance for doing the work of Daftari besides acting as peon. Mangilal accepted it unconditionally.

3. The case of the Union is that since the day of his posting at Sehore Mangilal was doing the work of Daftari as well (under oral orders of the branch Manager). He was thus entitled to the special allowance for the period under reference. No such allowance was given to him. He made a demand and when the management did not concede the dispute was raised before the Assistant Labour Commissioner (Central) and on failure of the conciliation efforts the Government of India was moved to make the reference.

4. The employer Bank raised legal and technical objections by pleading that in the absence of the resolution passed by the concerned Union the office bearers had no right to raise such a dispute. As in response to Bank's letter no. 46/69 dated 25-3-1969 Shri Rathore accepted his appointment unconditionally and earned allowance, he is now stopped from raising such a dispute. On facts, the allegation, that Shri Rathore was also performing the duties of Daftari from the very day of the opening of the branch has been denied and it is said that Branch Manager had no authority to take such work from Shri Rathore as could attract the claim for allowance. Unless the post was sanctioned there could arise no claim for allowance which has already been paid since the date of sanction of Daftari's post at that branch.

5. None of the parties adduced any evidence and the workman concerned prayed for withdrawal of the case. However, in an industrial dispute raised at the instance of a Union the individual loses his entity specially when a question of principle and of general nature is involved. Therefore in-

pective of the prayer made by the workman concerned the reference will have to be answered one way or the other on the burden of proof because the parties have adduced no evidence.

6. The workman has arrested even in his last application that he is the member of the Union. In the face of such assertion and in view of the fact that such a plea was not taken by the management before the Assistant Labour Commissioner and also because the Government has made a reference assuming the Union to be validly raising the dispute, the burden was upon the management to prove to the contrary. It has failed to prove that Union President acted without being authorised by a resolution and without the matter being moved by the workman concerned.

7. On merits however the picture appears to be different. The management has denied that the workman ever discharged the duties of Daftari during the period under reference. The burden was upon the Union to prove the positive fact. It has failed to adduce any evidence. Moreover it is true that even if it is assumed that Shri Rathore was occasionally asked to do some job of Daftari here and there that could not entitle him to any allowance as per para 5.6 of the Bipartite Settlement of 1966. The burden was upon the Union to prove that he regularly performed such functions. Accordingly the case justifying his entitlement is not made out.

8. Lastly there was no sanctioned post of Daftari during the said period and there was no order in writing, as required by para 5.11 of the Settlement, directing Shri Rathore to perform such functions. Moreover there is no evidence to show that the Branch Manager was competent or authorised to so direct an employee to discharge functions which involve the Bank in the liability to pay allowance. For all these reasons it is held that the claim under reference is not justified and the workman is not entitled to any relief. Reference is answered accordingly

S. N. JOHRI, Presiding Officer

[F. No. L-12012/77/74-LR. III/D. II. A]

R. P. NARUIA, Under Secy.

New Delhi, the 12th January, 1977

S.O. 344.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the management of the Central Bank of India, Chandigarh and their workman, which was received by the Central Government on the 27-12-76.

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL, DELHI.**

CGID No. 60 of 1976

BETWEEN

The Zonal Manager, Central Bank of India, Sector 17B,
Chandigarh.

AND

Its workmen as represented by CBIEU, Haryana, Regd.
146A, Lal Kurti, Ambala Cantt.

PRESENT :

Shri H. L. Chibber.—for the management.

Shri R. K. Joshi & A. I. Chopra for the workmen.

AWARD

The Central Govt. on being satisfied that an industrial dispute existed between the aforesaid parties has referred the same for adjudication to this Tribunal by its Order No. L-

12012/110/73-LR/III dated the 25th February, 1975 with the following terms of reference :—

"Whether the action of the management of the Central Bank of India, Chandigarh in not allowing Sarvashri Ravinder Mehta and Pritam Singh, Clerks, to officiate in higher posts is an act of discrimination and unfair labour practice? If so, to what relief are the said workmen entitled?"

2. When the case came up today for hearing before me, a memorandum of settlement was jointly filed by Shri H. L. Chhibber on behalf of the management and by S/Shri R. K. Joshi & A. L. Chopra on behalf of the workmen. Both the above-named representatives of the parties verify and admit the terms of settlement and prayed that a no dispute award might be passed in this case. In view of this, I have no alternative but to pass a no dispute award which is passed accordingly.

4th December, 1976

D. D. GUPTA, Presiding Officer

[No. L. 12012/110/73-LR III/D II A]

S.O. 345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the management of the Central Bank of India, Ambala Cantt and their workmen, which was received by the Central Government on the 27-12-76.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL, DELHI

PRESENT :

Shri D. D. Gupta,

Central Govt. Industrial Tribunal, Delhi.

4th December, 1976

CGID No. 66 of 1976

BETWEEN

The Zonal Manager, Central Bank of India, Chandigarh
AND

Its workman as represented by CBIEU, Haryana (Regd.)

Shri H. L. Chhibber—for the management.

S/Shri R. K. Joshi & A. L. Chopra—for the workman

AWARD

The Central Govt. on being satisfied that an industrial dispute existed between the aforesaid parties has referred the same for adjudication to this Tribunal by its Order No. L. 12012/133/72/LR/III dated the 10th February, 1975 with the following terms of reference :—

"Whether the action of the management of Central Bank of India in denying chance to work as Teller/Special Assistant to Shri Amrik Singh, Clerk, Ambala Cantonment on and after the 11th July, 1972 is justified? If not, to what relief is he entitled?"

2. When the case came up today for hearing before me, a memorandum of settlement was jointly filed by Shri H. L. Chhibber on behalf of the management and by S/Shri R. K. Joshi & A. L. Chopra on behalf of the workman. Both the above-named representatives of the parties verify and admit the terms of settlement and prayed that a no dispute award might be passed in this case. In view of this, I have no alternative but to pass a no dispute award which is passed accordingly.

4th December, 1976

D. D. GUPTA, Presiding Officer

[No. L. 12012/133/72-LR/III/D/IIA]

R. P. NARULA, Under Secy

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 14 जनवरी, 1977

का० आ० 346.—भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 47 की उपधारा (1) के खण्ड (ख) द्वारा प्रवृत्त शायिकों का प्रयोग करते हुए केन्द्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम तथा प्रारम्भ :—(1) इन नियमों का नाम रेल यात्री (टिकटों का रद्दकरण तथा किरायों की वापसी) नियम, 1976 है।

(2) ये 1-3-1977 को प्रवृत्त होंगे।

2. परिभाषाएँ :—जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो :—

- (1) "निपिकीय प्रभार" से वह प्रभार अभिप्रेत है जो किरायों की वापसी के सम्बन्ध में किए जाने वाले निपिकीय काम के लिए उद्घोषित किया जाता है,
- (2) "गन्तव्य स्टेशन" से वह स्टेशन अभिप्रेत है जहाँ के लिए टिकट जारी किया गया है,
- (3) "किराया" से शायिका प्रभार और अधिप्रभार आता है किन्तु उसमें आरक्षण फीस नहीं आती,
- (4) "आरक्षित टिकट" से वह यात्रा टिकट जिस पर कोई शायिका या सीट आरक्षित की गयी हो, अभिप्रेत है,
- (5) "आरक्षण फीस" से रेल प्रशासन द्वारा किसी गाड़ी में शायिका या सीट के आरक्षण के लिए उद्घोषित वह प्रभार अभिप्रेत है जो किरायों के अनिवार्य है,
- (6) "स्टेशन" से रेल स्टेशन अभिप्रेत है और उसमें उस नगर में, जिसमें वह रेल स्टेशन है, स्थित आरक्षण कार्यालय या वृक्षिण कार्यालय भी आता है;
- (7) "स्टेशन मास्टर" से रेल स्टेशन का समग्र रूप से प्रभारी रेल सेवक अभिप्रेत है चाहे वह जिस नाम से पुकारा जात हो और इसमें ऐसा रेल सेवक भी आता है जो स्टेशन पर किराए की वापसी मंजूर करने के लिए प्राधिकृत किया गया है।
- (8) "टिकट" से एकल यात्रा टिकट या वापसी टिकट का कोई भा या भाग अभिप्रेत है और इसमें सीजन टिकट, छुट्टी-नुसार यात्रा टिकट, और आरक्षित सवारी टिकट या विशेष गाड़ी या पर्यटक कार के लिए विशेष टिकट नहीं आता।

3. स्टेशन मास्टर द्वारा किराया वापस किया जाना :—इन नियमों के अन्तर्गत किराए की प्रत्येक वापसी स्टेशन मास्टर द्वारा तब मंजूर की जाएगी जब टिकट प्रस्तुत किया जाता है।

4. आरक्षण फीस का वापस न किया जाना :—इन नियमों में द्रष्टव्य उपबन्धित के सिवाय, किराए की वापसी मंजूर करते समय आरक्षण फीस वापस नहीं की जाएगी।

5. उपयोग में न लाए गए ऐसे टिकट जिन पर कोई आरक्षण न किया गया हो :—(1) यदि कोई व्यक्ति, जिसने ऐसा टिकट खरीदा हुआ है जिस पर सीट या शायिका का आरक्षण नहीं कराया गया है, रेलगाड़ी में स्थानाभाव या किसी अन्य कारण से यात्रा प्रारम्भ न कर सके तो जिस रेलगाड़ी के लिए वह टिकट जारी किया गया है उसके वास्तविक रूप में छूटने के समय से तीन घंटे के भीतर अथवा, जहाँ टिकट किसी रेलगाड़ी विशेष के लिए जारी न किया गया हो अपितु माने दिन के लिए वैध हो, गन्तव्य स्टेशन के लिए जाने वाली आखिरी रेलगाड़ी के छूटने के वास्तविक समय से तीन घंटे के भीतर, टिकट को रद्द किए जाने के लिए वापस कर सकता है।

(2) उप-नियम (1) के अधीन वापस किए गए ऐसे प्रत्येक टिकट के लिए टिकट वापस करने वाले व्यक्ति को पचास पैसे निपिकीय प्रभार काट कर किराया वापस कर दिया जाएगा।

टिप्पणी—यह नियम ऐसे व्यक्ति पर भी लागू होगा जिसने आरक्षण के लिए आवेदन किया हो किन्तु जिसका नाम प्रतीक्षा सूची में हो और उसे आरक्षण टिकट जारी नहीं किया गया हो।

6 उपयोग में न आए गए टिकट जिन पर आरक्षण किया गया हो—(1) यदि कोई व्यक्ति जिसने भायिका या सीट के लिए आरक्षण कराया है, अपनी यात्रा प्रारम्भ करने में, असमर्थ है तो वह उस रेलगाड़ी

के, जिसमें आरक्षण किया गया था, छूटने के वास्तविक समय से बारह घंटे के भीतर अपने टिकट को रद्द किए जाने के लिए, वापस कर दिया जाएगा।

(2) उप-नियम (1) के अधीन वापस किए गए ऐसे प्रत्येक टिकट के लिए टिकट वापस करने वाले व्यक्ति को, उपनियम (3) के अनुसरण प्रभार्य रद्दकरण फीस काट कर किराया वापस कर दिया जाएगा।

(3) इन नियमों में अन्यथा उपबन्धित के सिवाए, ऐसे प्रत्येक टिकट पर जिसके किराए को वापसी उप-नियम (1) के अधीन मंजूर की जाती है, निम्नलिखित दरा पर रद्दकरण फीस प्रभार्य होगी—

(i) राजधानी एक्सप्रेस रेलगाड़ियों को छोड़कर अन्य सभी रेल गाड़ियों के लिए

| टिकट अभ्यर्पित किए जाने का समय | किराए की बढ़ प्रतिशत | | | प्रति व्यक्ति न्यूनतम रद्दकरण फीस | | | | प्रति व्यक्ति अधिकतम रद्दकरण फीस | | | |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------|------------|-----------------------------------|-----------------|------------|-------------|----------------------------------|------------|-------------|-------------------------------|
| | दर जो रद्द करण फीस के रूप में काटी जाएगी। | वातानुकूल दर्जा | पहला दर्जा | दूसरा दर्जा | वातानुकूल दर्जा | पहला दर्जा | दूसरा दर्जा | वातानुकूल दर्जा | पहला दर्जा | दूसरा दर्जा | वातानुकूल/वातानुकूल कुर्मीयान |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | ₹० | ₹० | ₹० | ₹० | ₹० | ₹० | ₹० | ₹० | ₹० | ₹० |
| (क) यात्रा प्रारम्भ करने की तारीख से दो दिन से अधिक पहले | | 8 | 4 | 2 | 8 | 4 | 2 | | | | |
| (ख) गाड़ी छूटने के निर्धारित समय से दो दिन से दो घंटे पहले तक | 20% | 24 | 12 | 4 | 48 | 24 | 8 | | | | |
| (ग) गाड़ी छूटने के निर्धारित समय से दो घंटे पहले से गाड़ी छूटने के वास्तविक समय से बारह घंटे बाद तक | 30% | 36 | 18 | 6 | 72 | 36 | 12 | | | | |

(ii) केवल राजधानी एक्सप्रेस रेलगाड़ियों के लिए

| टिकट अभ्यर्पित किए जाने का समय | किराए की प्रतिशत दर | प्रति व्यक्ति न्यूनतम रद्दकरण फीस | | प्रति व्यक्ति अधिकतम रद्दकरण फीस | |
|--------------------------------------------------------------------|---------------------|-----------------------------------|---------------------|----------------------------------|---------------------|
| | | वातानुकूल दर्जा | वातानुकूल कुर्मीयान | वातानुकूल दर्जा | वातानुकूल कुर्मीयान |
| 1 | 2 | 3 | 4 | 5 | 6 |
| (क) यात्रा प्रारम्भ करने की तारीख से दो दिन से अधिक पहले | -- | 8 | 4 | 8 | 4 |
| (ख) यात्रा प्रारम्भ करने की तारीख से दो दिन पहले | 20% | 24 | 12 | 48 | 24 |
| (ग) एक दिन पहले से गाड़ी छूटने के वास्तविक समय से बारह घंटे बाद तक | 50% | -- | -- | -- | -- |

टिप्पणी— 'किनने दिन पहले' यह गणना करने के प्रयाजन के लिए यात्रा का दिन सम्मिलित नहीं किया जायेगा। उदाहरणार्थ यदि 7 अक्टूबर, को 13.00 बजे छूटने वाली गाड़ी रेल में आरक्षण किया गया है तो प्रभार्य रद्दकरण फीस के सबध में निम्नलिखित नियम लागू होंगे:—

(क) राजधानी एक्सप्रेस गाड़ी को छोड़कर अन्य गाड़ियों के लिए—
(i) यदि टिकट 4 अक्टूबर, को या इससे पूर्व अभ्यर्पित कर दिया जाए तो सारणी (1) की मद (क) के अनुसार;

(ii) यदि टिकट 5 या 6 अक्टूबर, या 7 अक्टूबर को 11.00 बजे तक अभ्यर्पित कर दिया जाये तो सारणी (i) की मद (ख) के अनुसार;

(iii) यदि टिकट 7 अक्टूबर, को 11.00 बजे के बाद किन्तु, रेलगाड़ी के छूटने के वास्तविक समय से बारह घंटे के भीतर अभ्यर्पित कर दिया जाये तो सारणी (i) की मद (ग) के अनुसार;

(ख) राजधानी एक्सप्रेस गाड़ियों के लिए :—

- (i) यदि टिकट 1 अक्टूबर, को या इससे पूर्व अभ्यर्पित कर दिया जाये तो मार्गणी (ii) की मद (क) के अनुसार;
- (ii) यदि टिकट 5 अक्टूबर, को अभ्यर्पित कर दिया जाये तो मार्गणी (ii) की मद (ख) के अनुसार;
- (iii) यदि टिकट 6 अक्टूबर को या गाड़ी के छूटने के वास्तविक समय से 12 घंटे के भीतर अभ्यर्पित कर दिया जाये तो मार्गणी (ii) की मद (ग) के अनुसार।

7. आगे की यात्रा के लिए आरक्षण की पुष्टि न होने पर रद्दकरण फीस प्रभाव्य नहीं होगी :—

यदि कोई व्यक्ति, जिसने यात्रिका या सीट के लिए आरक्षण कराया है, किसी मार्गवर्ती स्टेशन से आगे की यात्रा के लिए आरक्षण की पुष्टि के अभाव में यात्रा प्रारम्भ न कर सके तो उस पर कोई रद्दकरण फीस प्रभाव्य नहीं होगी परन्तु यह तब जब निम्नलिखित शर्तें पूरी होती हों, अर्थात् :—

- (1) आरक्षण प्रारम्भिक स्टेशन पर सात दिन से अधिक पहले किया गया हो ताकि आगे की यात्रा के लिए आरक्षण की व्यवस्था करने के लिए पर्याप्त समय मिल जाए।
- (2) जिस गाड़ी में आरक्षण किया गया है उसके छूटने के निर्धारित समय से अठ्ठासी घंटे पहले तक आगे की यात्रा के लिए आरक्षण की पुष्टि न हुई हो, और
- (3) यात्रा टिकट एवं आरक्षण टिकट गाड़ी छूटने के निर्धारित समय से कम से कम बारह घंटे पूर्व अभ्यर्पित कर दिए जाएं।

उदाहरण :—जयपुर से यात्रा प्रारम्भ करने वाला कोई व्यक्ति हावड़ा तक के लिए टिकट खरीदता है और जयपुर से दिल्ली तक का उसे आरक्षण मिलता है किन्तु दिल्ली में हावड़ा तक की यात्रा के आरक्षण की पुष्टि प्राप्त नहीं हुई है। ऐसे व्यक्ति को, यदि वह उपर्युक्त शर्तें पूरी रक्ता हों, जयपुर से हावड़ा तक की यात्रा का किराया बिना किसी कटौती के वापस कर दिया जाएगा। यदि वह उपर्युक्त शर्तें पूरी नहीं करता तो नियम (6) के उप नियम (3) के अधीन प्रभाव्य रद्दकरण फीस काटने के बाद शेष किराया उसे वापस कर दिया जाएगा।

8. आरक्षित टिकट पर गाड़ी बदलने या यात्रा की तारीख बदलने पर कोई रद्दकरण फीस प्रभाव्य नहीं होगी :—

निम्नलिखित स्थितियों में कोई रद्दकरण फीस प्रभाव्य नहीं होगी, अर्थात् :—

- (1) यदि कोई व्यक्ति, जिसने किसी रेलगाड़ी विशेष में कोई यात्रिका या सीट आरक्षित कराई है, उसी तारीख को किसी अन्य रेलगाड़ी से उसी दर्जे में, अथवा किसी अन्य तारीख को किसी अन्य रेलगाड़ी में आरक्षण के लिए आवेदन करता है और

निम्नलिखित शर्तें पूरी हों, अर्थात् :—

- (क) आरक्षण को जिस गाड़ी के लिए बदलने के लिए आवेदन किया गया है उसमें स्थान उपलब्ध हो, और
- (ख) आरक्षण बदलने का ऐसा आवेदन, जिस गाड़ी में पहले आरक्षण कराया जा चुका है उसके छूटने के निर्धारित समय से कम से कम चौबीस घंटे पहले स्टेशन मास्टर को किया जाए ;
- (2) यदि किसी व्यक्ति के पास निम्नतर दर्जे का आरक्षित टिकट है और वह उसी तारीख का उसी गाड़ी में उच्चतर दर्जे में आरक्षण के लिए आवेदन करता है और उच्चतर दर्जे में स्थान उपलब्ध है ; अथवा
- (3) यदि किसी व्यक्ति के पास दूसरे दर्जे में सीट के लिए आरक्षित टिकट है और वह उसी तारीख को उसी गाड़ी में उसी दर्जे

की यात्रिका के लिए आवेदन करता है और ऐसे आरक्षण के लिए स्थान उपलब्ध है :

परन्तु इस नियम के अधीन आरक्षण के परिवर्तन की अनुमति एक बार से अधिक नहीं दी जाएगी।

9. रेलगाड़ी के विलम्ब से चलने के कारण यात्रा प्रारम्भ न कर सकने पर कोई रद्दकरण फीस प्रभाव्य नहीं होगी।

यदि किसी यात्री ने यात्रिका या सीट का आरक्षण कराया है किन्तु वह गाड़ी के तीन घंटे से अधिक विलम्ब से चलने के कारण अपनी यात्रा प्रारम्भ करने में असमर्थ है तो कोई रद्दकरण फीस प्रभाव्य नहीं होगी परन्तु तब जब वह टिकट को रेलगाड़ी छूटने के वास्तविक समय से पहले किराया वापसी के लिए वापस कर दे।

10. आरक्षित टिकट वाले यात्री का स्थान उपलब्ध करने में रेल प्रशासन की असमर्थता :—

यदि किसी यात्री के पास आरक्षित टिकट है किन्तु रेल प्रशासन की किसी भी कारणवश, उसे वह स्थान, जिसके लिए आरक्षित टिकट जारी किया गया है, उपलब्ध कराने में असमर्थता के कारण वह व्यक्ति अपनी यात्रा प्रारम्भ करने में असमर्थ है तो वह रद्दकरण फीस प्रभाव्य किये गए बिना ही किराए का वापसी का हकदार होगा और आरक्षण फीस की वापसी के लिए भी हकदार होगा परन्तु यह तब जब वह टिकट का रेलगाड़ी छूटने के वास्तविक समय से बारह घंटे के भीतर किराया वापसी के लिए वापस कर दे।

11. आंशिक रूप से उपयोग में लाए गए टिकट :—

- (1) इन नियमों में अन्यथा उपबन्धित के विना, आंशिक रूप से उपयोग में लाए गए किसी भी टिकट पर किराए की वापसी तब तक मंजूर नहीं की जाएगी जब तक निम्नलिखित शर्तें पूरी नहीं होती :

(क) टिकट 350 कि० मी० से अधिक की यात्रा के लिए हो और यात्रा कम से कम 250 कि० मी० चलने के बाद भग की गयी हो —

(ख) जिस स्टेशन पर यात्रा भग की गयी हो वहां टिकट को इसके लिए प्राधिकृत रेल सेवक द्वारा सम्यक रूप से पृष्ठांकित किया गया हो और उसमें जिस रेलगाड़ी से यात्री पहुंचा है उसका सख्यांक और रेलगाड़ी के पहुंचने का समय और तारीख दिखाई गयी हो ; और

(ग) आंशिक रूप से उपयोग में लाया गया टिकट उस स्टेशन पर, उस गाड़ी के, जिससे यात्रा की गयी हो, पहुंचने के चौबीस घंटे के भीतर, अभ्यर्पित कर दिया जाए।

- (2) यदि उप-नियम (1) में विनिर्दिष्ट शर्तें पूरी कर दी जाएं तो टिकट से यात्रा न किए गए भाग का किराया ऐसे किराये का दस प्रतिशत, जो दूसरे दर्जे के प्रति टिकट पर कम से कम दो रुपया और अन्य दर्जों के प्रति टिकट पर कम से कम पांच रुपया होगा, काटकर वापस कर दिया जाएगा।

12. रेलगाड़ियों के विलम्ब से चलने के कारण यात्रा की बीच में समाप्ति :—

यदि किसी यात्री के पास आरक्षण सहित या आरक्षण रहित टिकट है और वह जिस गाड़ी से आ रहा हो उसके विलम्ब से चलने के कारण किसी जंक्शन स्टेशन पर उसमें संबंधित रेल गाड़ी छूट जाती है तो यात्रा न किए गए भाग का किराया उसे ऐसे जंक्शन स्टेशन पर रद्दकरण फीस प्रभाव्य किए बिना ही वापस कर दिया जाएगा परन्तु यह तब जब वह, उस गाड़ी के, जिसमें वह आया है, पहुंचने के वास्तविक समय से तीन घंटे के भीतर ऐसे किराए की वापसी के लिए टिकट वापस कर दे।

13 रेलगाड़ी-सेवाओं के अस्त-व्यस्त हो जाने के कारण यात्रा की बीज में गमाएँ —

यदि बुधटना, टूट-फूट, बाढ़, आदि जैसी अप्रत्याशित परिस्थितियों के कारण रेलगाड़ी यात्रा अस्त-व्यस्त हो जाए तो किराए की वापसी निम्न प्रकार की जाएगी—

- (1) यदि रेल प्रशासन यात्रान्तरण की अथवा मार्ग परिवर्तन की अथवा अन्य कोई व्यवस्था करके यात्री को उसके गन्तव्य स्टेशन तक यथोचित समय के भीतर वहन करने में असमर्थ हो, और यात्रा इसी कारण मार्ग में समाप्त करनी पड़े तो बुक की गयी सम्पूर्ण यात्रा का किराया (यात्रा किए गए भाग और रद्दकरण फीस के लिए कोई भी कटौती किए बिना और रद्दकरण फीस प्रभारित किए बिना) यात्रा समाप्त होने वाले स्टेशन पर वापस कर दिया जाएगा, अथवा
- (2) यदि रेल प्रशासन यात्री को उसके गन्तव्य स्टेशन तक किसी परिवर्तित मार्ग से होकर या यात्रान्तरण की अथवा अन्य कोई व्यवस्था करके वहन करने के लिए तत्पर हो, और यात्री ऐसी वैकल्पिक व्यवस्था स्वीकार करने के लिए इच्छुक न हो तो यात्रा न किए गए भाग का किराया उसे यात्रा समाप्त होने वाले स्टेशन पर रद्दकरण फीस प्रभारित किए बिना वापस कर दिया जाएगा।

टिप्पणी—जब रेलगाड़ियाँ बुधटना स्थल आदि से पीछे की ओर किसी सुविधाजनक स्टेशन पर वापस ले जाई जाएं तो टिकटों को पीछे वाले उस स्टेशन तक उपयोग में लाया गया माना जाएगा परन्तु यह तब जब उन्हें उस स्टेशन पर अस्पष्टित कर दिया जाए।

14 वातानुकूलन उपकरण का खराब हो जाना :—

- (1) जब किसी वातानुकूलन सवारी डिब्बे का वातानुकूलन उपकरण काम न करे तो ऐसे डिब्बे में यात्रा करने वाली यात्री, यात्रा के उस भाग के लिए जिसके दौरान वातानुकूलन उपकरण ने काम न किया हो, निम्नलिखित प्रकार से किराए की वापसी के हकदार होंगे :—
- (क) यदि यात्री वातानुकूलन दर्जे में यात्रा कर रहा है तो वातानुकूलन दर्जे के किराए और पहले दर्जे के किराए का अन्तर ;
- (ख) यदि यात्री को टियर वाले वातानुकूलन सवारी डिब्बे में यात्रा कर रहा है तो पहले दर्जे के किराए और दूसरे दर्जे के शयन यान (मेल और एक्सप्रेस) के किराए का अन्तर ;
- (ग) यदि यात्री वातानुकूलन कुर्सीयान में यात्रा कर रहा है तो वातानुकूलन कुर्सीयान के किराए और दूसरे दर्जे (मेल और एक्सप्रेस) के किराए का अन्तर।

(2) उप-नियम (1) के अधीन अनुज्ञेय किराए की वापसी गन्तव्य स्टेशन पर, गाड़ी के संचालक अथवा गार्ड अथवा यात्रा टिकट परीक्षक के ऐसे प्रमाण पत्र प्रस्तुत करने पर की जाएगी जिसमें निम्नलिखित विशिष्टियाँ दी गयी हों, अर्थात्

- (1) यात्री का टिकट संख्यांक ;
- (2) सवारी डिब्बे का संख्यांक, और
- (3) वे स्टेशन जिनके बीच वातानुकूलन उपकरण ने काम नहीं किया।

15. जब यात्री निम्नतर दर्जे में यात्रा करने के लिए विवश हो जाए जब कोई यात्री, उस दर्जे से जिसका उसके पास टिकट है, उसमें

स्थानाभाव के कारण, निम्नतर दर्जे में यात्रा करने के लिए विवश हो, गन्तव्य स्टेशन पर उसे, उसके द्वारा खरीदे गए टिकट के किराए और वस्तुतः यात्रा किए गए दर्जे के किराए के अन्तर के बराबर रकम वापस कर दी जाएगी, परन्तु ऐसे किराए की वापसी तभी मंजूर की जाएगी जब यह गाड़ी के संचालक या गार्ड या यात्रा टिकट परीक्षक का इस आशय का एक प्रमाण-पत्र प्रस्तुत करे कि जिस दर्जे का उसके पास टिकट है उसमें स्थानाभाव के कारण उसे निम्नतर दर्जे में यात्रा करनी पड़ी।

16. खोए हुए टिकट :

- (1) खोये अथवा इधर-उधर हो गये टिकट अथवा उसे फलस्वरूप बिदे गये अधिक किराये के सम्बन्ध में किराया वापस नहीं किया जाएगा।
- (2) यदि किसी यात्री का आरक्षण टिकट खो जाए तो रेल प्रशासन, स्वविवेकानुसार उस यात्री को उसी दिन और उसी रेलगाड़ी से, जिसमें उसका आरक्षण हुआ था, किराए के पच्चीस प्रतिशत के बराबर रकम क्षण्ड स्वरूप दिए जाने पर, मूल टिकट और आरक्षण टिकट की सच्चा का उल्लेख करते हुए, अनुलिपि कागज टिकट (बिना प्रभार लिए) जारी करके यात्रा करने की अनुज्ञा दे सकता है।

17 रियायती और विधेयाधिकार टिकट आदेश टिकटों पर प्रतीक्षा सूचीगत यात्री :

जब किसी व्यक्ति ने किसी रियायती आदेश या विशेषाधिकार टिकट आदेश के अन्तर्गत टिकट खरीदा हो, और उसका नाम किसी रेलगाड़ी में आरक्षण के लिए प्रतीक्षा सूचीगत हो, तो वह उसी टिकट पर उसी तारीख को किसी अन्य रेलगाड़ी में अथवा किसी अन्य तारीख को किसी अन्य रेलगाड़ी में आरक्षण कराने का, रियायती किराए के फायदे में वंचित हुए बिना हकदार होगा।

18 वापसी टिकटों के उपयोग में न लाया गया भाग :—

- (1) रियायती वापसी टिकट के उपयोग में न लाए गए भाग के लिए कोई किराया वापस नहीं किया जाएगा।
- (2) जब वापसी टिकट बिना रियायत के जारी किया गया हो तो एकल यात्रा के दो टिकट के समान माना जाएगा और किराये की वापसी तदनुसार की जाएगी।

[सं० टी० सी० 2/2003/72-1]

बी० मोहन्ती, सचिव
एवं पवन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 14th January, 1977

S.O. 346.—In exercise of the powers conferred by clause (bb) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (9 of 1890), the Central Government hereby makes the following rules, namely :—

1. Short title and Commencement.—(1) These rules may be called, the Railway Passengers (Cancellation of Tickets and Refund of Fares) Rules, 1976.

(2) They shall come into force on the 1st day of March, 1977.

2. Definitions.—Unless the context otherwise requires,—
(1) “clerkage” means a charge levied for the clerical work involved in the refund of fare;

(2) “destination station” means the station for which the ticket has been issued;

(3) “fare” includes sleeper charge and surcharge but does not include reservation fee;

(4) "reserved ticket" means a journey ticket on which a berth or seat has been reserved;

(5) "reservation fee" means the charge, in addition to the fare levied by the railway administration for the reservation of a berth or seat in a train.

(6) "station" means a railway station and includes any reservation office or booking office situated in the same city in which the railway station is situated;

(7) "station master" means a railway servant, by whatever name called, in overall charge of a railway station and includes any other railway servant authorised to grant refund at a station;

(8) "ticket" means a single journey ticket or any half of a return ticket and excludes season ticket, travel-as-you-like ticket and special ticket for a reserved carriage or a special train, or a tourist car.

3. Station Master to Refund Fares.—Every refund to fare under these rules shall be granted by the station master when a ticket is presented to him for such refund.

4. Reservation Fee not to be Refunded.—Save as otherwise provided in these rules, while granting refund of fare, reservation fee shall not be refunded.

5. Unused Tickets on which no Reservation has been Made.—(1) If a person, having purchased a ticket on which no reservation of a seat or berth has been made, is unable to

commence his journey for want of room in the train or for any other reason, he may return the ticket for cancellation within three hours after the actual departure of the train for which the ticket is issued or, where the ticket is not issued for any particular train but is valid for the whole day, within three hours after the actual departure of the last train of the day for the destination station.

(2) For every such ticket returned under sub-rule (1) the person returning the ticket shall be granted refund of the fare after deducting clerkage amounting to 50 paise per ticket.

Note.—This rule shall also apply to a person who seeks reservation but is wait-listed and reservation ticket is not issued to him.

6. Unused Tickets on which Reservation has been made.—

(1) If a person, having made reservation for a berth or a seat, is unable to commence his journey, he may return the ticket for cancellation within twelve hours after the actual departure of the train in which reservation was made.

(2) For every such ticket returned under sub-rule (1), the person returning the ticket shall be granted refund of the fare after deducting such cancellation fee as may be chargeable under sub-rule (3).

(3) Save as otherwise provided in these rules, for every ticket for which a refund is granted under sub-rule (1), the cancellation fee shall be chargeable at the following rates:—

(i) For all trains except Rajdhani Express trains.

| When a ticket is surrendered | Percentage of the fare to be deducted as cancellation fee. | Minimum cancellation fee per person | | | Maximum cancellation fee per person | | |
|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-----------|-------------------------------------|---------------------------------------------------|-----------|
| | | A.C. class | 1st class/ 2 tier A.C./A.C. Chair Car. | 2nd class | A.C. class | 1st class/ 2 tier A.C./A.C. Chair Car | 2nd class |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| (a) More than two days in advance of the date of commencement of journey | .. | 8 | 4 | 2 | 8 | 4 | 2 |
| (b) Two days in advance and upto two hours before the scheduled departure of the train | 20% | 24 | 12 | 4 | 48 | 24 | 8 |
| (c) Two hours before the scheduled departure and upto twelve hours after the actual departure of the train | 30% | 36 | 18 | 6 | 72 | 36 | 12 |

(ii) For Rajdhani Express trains only.

| When the ticket is surrendered | Percentage of the fare | Minimum cancellation fee per person | | Maximum cancellation fee per person | |
|------------------------------------------------------------------------------------------------|------------------------|-------------------------------------|----------------|-------------------------------------|----------------|
| | | A.C. class | A.C. Chair Car | A.C. class | A.C. Chair Car |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | Rs. | Rs. | Rs. | Rs. |
| (a) More than two days in advance of the date of commencement of journey | .. | 8 | 4 | 8 | 4 |
| (b) Two days in advance of commencement of journey | 20% | 24 | 12 | 48 | 24 |
| (c) One day in advance and upto twelve hours after the actual departure of the train | 50% | .. | .. | .. | .. |

Note.—For the purpose of counting “days in advance” the day of journey is not to be included. For example, if the reservation has been made by a train leaving on 7th October at 13.00 hours, the cancellation fee chargeable shall be covered—

(A) For trains other than Rajdhani Express trains :—

- (i) if the ticket is surrendered on 4th October or earlier, by item (a) of table (i);
- (ii) if the ticket is surrendered on 5th or 6th October or upto 11.00 hours on 7th October, by item (b) of table (i);
- (iii) if the ticket is surrendered after 11.00 hours on 7th October but not later than twelve hours after actual departure of the train, by item (c) of table (i).

(B) For Rajdhani Express trains . . .

- (i) if the ticket is surrendered on the 4th October earlier, by item (a) of table (ii);
- (ii) if the ticket is surrendered on 5th October, by item (b) of table (ii);
- (iii) if the ticket is surrendered on 6th October or within 12 hours of the actual departure of the train, by item (c) of table (ii).

7. No cancellation fee chargeable when onward reservation is not confirmed.—No cancellation fee shall be chargeable if a person, having made reservation for a berth or seat, is unable to commence his journey for want of confirmation of onward reservation from any station enroute, provided the following conditions are fulfilled, namely :—

- (i) the reservation has been made at the starting station more than 7 days in advance to give adequate time for arranging onward reservation;
- (ii) the reservation for onward journey is not confirmed upto 48 hours before the scheduled departure of the train in which reservation has been made, and
- (iii) the journey ticket and reservation ticket are surrendered not later than 12 hours before the scheduled departure of the train.

Illustration—A person starting from Jaipur buys a ticket for Howrah, gets reservation from Jaipur to Delhi but confirmation for onward reservation from Delhi to Howrah is not received. This person shall be granted refund of the fare without any deduction between Jaipur to Howrah if he fulfills the conditions set out above. If he does not fulfil the said conditions, he shall be granted refund of the fare after deducting such cancellation fee as may be chargeable under sub-rule (3) of rule 6.

8. No cancellation fee chargeable on change of train or date of journey on a reserved ticket.—No cancellation fee shall be chargeable—

- (i) if a person, having reserved a berth or seat in a particular train, applies for reservation in the same class in any other train on the same date or in any train on any other date, if the following conditions are fulfilled, namely,—
 - (a) room is available in the train in which the change of reservation is asked for; and
 - (b) application for the change of reservation is made to the Station Master not less than 24 hours before the scheduled departure of the train in which the reservation has already been made;
- (ii) if a person holding a lower class reserved ticket applies for reservation in a higher class on the same train and day and room is available in the higher class; or
- (iii) if a person holding a reserved ticket for a seat in the second class applies for reservation for a sleeping berth in the same class on the same train and day and room is available for such reservation:

Provided that any such change of reservation under this rule shall not be allowed more than once.

9. No cancellation fee chargeable for non-commencement of journey due to late running of a train.—No cancellation fee shall be chargeable if a passenger having made reservation for a berth or seat, is unable to commence his journey due to late running of the train by more than three hours provided that he returns the ticket for such refund before the actual departure of the train.

10. Inability of Railway Administration to provide accommodation to passenger holding reserved ticket.—When a person holding a reserved ticket, is unable to commence his journey because the railway administration for any reason, is unable to provide him the accommodation for which the reserved ticket has been issued, he shall be entitled to refund of fare without charging any cancellation fee and shall also be entitled to refund of reservation fee provided that he returns the ticket for such refund within twelve hours of the actual departure of the train.

11. Partially used tickets.—(1) Save as otherwise provided in these rules no refund shall be granted on any partially used ticket unless the following conditions are fulfilled, namely :—

- (a) ticket is for more than 350 kms. and the journey has been broken after travelling a distance of at least 250 kilometres;
- (b) ticket has been duly endorsed by a railway servant so authorised at the station where the journey is broken showing the train number by which the passenger has arrived and the time and day of the arrival of the train; and
- (c) the partially used ticket is surrendered at the station where the journey is broken, within twenty-four hours after the arrival of the train by which he had travelled

(2) If the conditions set out in sub-rule (1) are fulfilled, the fare for the untravelled portion of the ticket shall be granted, after deducting ten per cent of such fare, subject to a minimum of rupees two per ticket of second class and rupees five per ticket of any other class.

12. Discontinuance of journey due to late running of trains.—Where a passenger holding a ticket, with or without reservation, misses connection at any junction station owing to late running of the train by which he had travelled, the fare for the untravelled portion shall be refunded without charging any cancellation fee at such junction station provided that he returns the ticket for such refund within three hours of the actual arrival of the train by which he has travelled

13. Discontinuance of journey due to dislocation of train services.—When a train journey is dislocated due to unforeseen circumstances, such as, accidents, breaches, floods, etc., fare shall be refunded as follows :—

- (i) if the railway administration is unable to carry the passenger to his destination station within a reasonable time by arranging transshipment or diversion or otherwise, and the journey has to be terminated enroute on that account, fare for the entire booked journey (without any deduction for the travelled portion and without charging any cancellation fee) shall be refunded at the station at which the journey is terminated; or
- (ii) if the railway administration offers to carry the passenger to his destination station by any diverted route or by arranging transshipment or otherwise, and the passenger is not willing to avail of such an alternative arrangement, fare for the untravelled portion of the journey shall be refunded, without

charging any cancellation fee, at the station at which the journey has been terminated.

NOTE :—When trains are brought back from the site of accident, etc., to a convenient station in the rear, the tickets shall be treated as used upto that station in the rear only, provided they are surrendered at that station.

14. Failure of Air-Conditioning Equipment:—(1) When the air-conditioning in any air-conditioned coach is not working, the passengers travelling in such a coach shall be entitled to a refund of—

- (a) if the passenger is travelling in air-conditioned class, difference between air-conditioned class fare and first class fare.
- (b) if the passenger is travelling in 2-tier air-conditioned coach, difference between first class fare and second class sleeper fare (Mail and Express),
- (c) if the passenger is travelling in air-conditioned Chair Car, difference between air-conditioned Chair Car fare and second class fare (Mail and Express),

for the portion of the journey during which the air-conditioning had not worked.

(2) The refund admissible under sub-rule (1) shall be granted at the destination station on production of a certificate from the Conductor or the Guard or the Travelling Ticket Examiner of the train giving the following particulars, namely:—

- (i) ticket number of the passenger;
- (ii) number of the coach; and
- (iii) station between which the air-conditioning had not worked.

15. When passengers are compelled to travel in a lower class:—When a passenger is compelled to travel in a lower class for want of room in the class for which he holds the ticket, refund of the difference between the fare paid for the class for want of room in the class for which he holds the ticket and the class by which he actually travels shall be granted to the passenger at the destination station:

Provided that such refund shall be granted on production of a certificate from the Conductor or the Guard or the Travelling Ticket Examiner of the train to the effect that the passenger had to travel in a lower class for want of room in the class for which he held the ticket.

16. Lost Tickets:—(1) No refund shall be granted either in respect of a lost or misplaced ticket or of the excess fare paid as a consequence thereof.

(2) If a passenger has lost a reserved ticket, the railway administration may, at its discretion, permit the same passenger to travel in the same train, and on the same day, in which his reservation was made by issuing a duplicate paper ticket (free of charge) indicating the number of original ticket and reservation ticket, on payment of a penalty equivalent to 25 per cent of the fare.

17. Wait-listed passengers on concession and Privilege Ticket Order tickets :—When any person has purchased a ticket on any concessional order or Privilege Ticket Order, and is wait-listed for reservation in any train, he shall be entitled to avail of the same ticket for reservation in any other train on the same date or in any train on any other date, without losing the benefits of the concessional fare.

18. Unused portion of return tickets:—(1) No refund shall be granted on the unused portion of the concessional return tickets.

(2) When return ticket is issued without any concession, it shall be treated like two single journey tickets and the refund shall be granted accordingly.

[No. TC II/2003/72-1]

B. MOHANTY, Secy. Railway Board
and Ex. Officio Jt. Secy.